

A PRACTICAL EVALUATION

OF THE

TASMANIAN

WORK ORDER SCHEME

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TASMANIAN WORK ORDER SCHEME

by

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Being a report of an investigation, submitted in
fulfilment of the requirements for the Degree of

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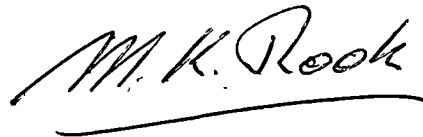
in the Department of Psychology

at the University of Tasmania

27th January, 1978

DECLARATION

I, Meinard Karel Rook, declare that this thesis contains no material which has been accepted for the award of any other degree or diploma in any University, and to the best of my knowledge and belief, contains no copy or paraphrase of material previously published or written by another person, except when due reference is made in the text of the thesis. Substantial sections of this thesis have previously been published in a report prepared for the Australian Institute of Criminology, which funded the research, entitled "An Evaluation of the Tasmanian Work Order Scheme", by J. G. Mackay and M. K. Rook. I wish to acknowledge the substantial contribution of J. G. Mackay to the historical introduction contained in Part I of the thesis. The remaining chapters, Part II to Part VII, which report on the research undertaken to evaluate the Work Order Scheme including the planning, collection of data, analysis, interpretation and discussion of results are the sole work of the author.

A handwritten signature in dark ink, reading "M. K. Rook". The signature is written in a cursive style with a long horizontal flourish underneath the name.

M. K. Rook.

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ABSTRACT

The Work Order Scheme was introduced into the Tasmanian criminal justice system in 1972 as an optional alternative to imprisonment. It provides for offenders to be sentenced to a maximum of 25 days of work on community projects, to be completed during normal leisure periods.

The introduction of the scheme was accompanied by a reversal of trends from an increasing to a decreasing daily average prison population. Although this would appear to be related to the introduction of the Work Order Scheme, a similar reversal of trends occurred in the other Australian States, indicating an Australia-wide change in sentencing policy.

A six-month analysis of the operation of the scheme involving 451 offenders showed an average weekly attendance of 63%, 12% absent without leave and 24% absent with permission. The absconding rate was 5.5% and 1.6% were breached for non-compliance with their work order instructions. Significant differences in performance were found between the five administrative regions as well as the three different types of work projects.

The characteristics of offenders sentenced to work orders were similar to those found throughout the criminal justice systems in the western world, namely poorly-educated, young, single males working in semi-skilled or unskilled jobs with a record of prior offences.

A comparison of recidivism rates between comparable groups of offenders sentenced to work orders and those sentenced to three months or less of imprisonment, showed that 44% of the work order group were convicted of

subsequent offences compared to 58% of the short-term prison group within a six-to-eighteen-month follow-up period. Similar differences were found between the two groups for subsequent imprisonment, with 18% of the work order group being sentenced to prison for subsequent offences compared to 31% of the short-term prison group.

A comparison of the costs of imprisonment and the costs of the Work Order Scheme showed the gross cost of imprisonment in 1974/75 to be around \$145 per prisoner per week, compared to an estimated gross cost of about \$4 per work order employee per week. This cost differential was increased when the value of production was considered.

Qualitative information in the form of anecdotes highlighting outstanding successes and failures on the scheme were considered, and finally a number of suggestions made for improving the scheme.

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PART 1

INTRODUCTION AND DESCRIPTION

of the

TASMANIAN WORK ORDER SCHEME

Many different forms of punishment have been imposed for criminal activities over the centuries with imprisonment being the most frequently practised for some considerable time. In recent times, however, humanitarian, political and economic considerations have caused authorities to seek alternatives to the costly and often ineffective form of punishment which imprisonment has proved to be.

This thesis describes and evaluates one such alternative - the sentencing of offenders to work in the community - which was introduced in the State of Tasmania and known as the Work Order Scheme.

BACKGROUND

The Work Order Scheme was introduced into the Tasmanian criminal justice system in 1972 as an optional alternative to a short-term prison sentence.

The number of prisoners received each year and the daily average prison population had been increasing annually with no corresponding increase in prison facilities as outlined in the Controller of Prisons Annual Reports.

In 1965 the new Risdon prison had been in use for four years and the wooden huts at the Hayes Prison Farm had just been replaced by -

A two-storied building of concrete block construction to house 50 prisoners in single-cellular accommodation ... In effect, all prisoners in this State are now housed in modern single-cellular accommodation which is fireproof and every cell is sewered and provided with wash basin. This has completely eliminated the nauseous odour of the night sanitary pan and the degrading morning 'slop-out' from our prisons and is an achievement of which this State may well be proud. The new buildings have

also removed the problem of overcrowding and provided a reserve of accommodation which should suffice for at least the next decade. (Controller of Prisons Annual Report, 1965, p.2.)

The following year a similar sentiment was expressed -

This State is most fortunate insofar as prisoner accommodation is concerned. At the present rate of population increase, accommodation should suffice for at least the next decade. (Controller of Prisons Annual Report, 1966, p.1.)

However, by the following year -

Substantial increases were recorded in the number of convicted prisoners received during the year and in the daily average of persons held in custody ... an increase of some 30% on the previous year's figure. (Controller of Prisons Annual Report, 1967, p.2.)

This was followed in 1968 by -

Further increases were recorded in the prison population during the year ... Overcrowding has not been a problem ... but reserve accommodation was reduced to forty-five cells in July of this year, an all time low. (Controller of Prisons Annual Report, 1968, p.3.)

The situation improved somewhat in 1969 -

There was some easement during the year of the alarming increases experienced in prison population during the preceding two years. Had the previous rate of (prison) population growth continued, we would by now have reached saturation point as far as accommodation is concerned.

Present accommodation facilities are barely adequate to meet our needs and urgent consideration must now be given

to future requirements. (Controller of Prisons Annual Report, 1969, p.3.)

By 1970 these fears were confirmed -

As predicted in my report for 1969 the prison population continued to rise ... During the year an all-time high of 405 persons were held in custody. This reduced the amount of accommodation available at Risdon to seven vacant cells. To provide for future requirements, and to avoid overcrowding in our institutions in the years ahead, is of paramount importance. (Controller of Prisons Annual Report, 1970, p.3.)

By 1971 saturation point was reached -

Available accommodation was again taxed to the limit on a number of occasions during the year and to avoid overcrowding at Risdon a number of prisoners had to be accommodated at the Charitable Institution at Hayes. (Controller of Prisons Annual Report, 1971, p.3.)

More prison facilities were urgently needed, or the prison population had to be reduced. A proposal to build a new prison was being considered by the State Government, but the two-and-a-half million dollars required for its construction was not available. A reduction in the prison population appeared to be the only option.

ALTERNATIVES TO IMPRISONMENT

A number of alternative schemes to imprisonment had been developed overseas such as Attendance Centres and Detention Centres in the United Kingdom, and Periodic Detention in New Zealand. For various reasons, however, none of these schemes were considered suitable for direct introduction into Tasmania.

ATTENDANCE CENTRES:

Attendance Centres as developed in the United Kingdom after World War II gave the courts a means of dealing with young offenders by imposing a loss of leisure for a certain period of time. The scheme applied only to offenders between the ages of ten and 21 years of age and typically involved weekly attendance at a prescribed centre usually for two hours on several consecutive Saturday afternoons.

The idea, as outlined in the Ingleby Report (1960), was -

to vindicate the law by imposing loss of leisure, a punishment that is generally understood by children: to bring the offender for a period under discipline and, by teaching him something of the constructive use of leisure, to guide him on leaving the centre to continue organized recreational activity by joining youth clubs or other organizations. (Walker, 1973, p.186.)

The activities carried out varied between centres but usually followed a basic format involving an inspection for cleanliness and tidiness of dress, a physical training programme, physical work around the centre, and instructions in handicraft or practical subjects such as First Aid.

A detailed account of the Attendance Centre Scheme is given by Walker (1973) -

An attendance centre order can be imposed for an offence for which an adult could be sent to prison, for a breach of the requirements of a probation order, or for defaulting in the payment of a fine or similar payment ... The offender himself must be between his 10th and 21st birthdays,

and must not have previously been sent to prison, borstal, a detention centre, or an approved school ... Two-thirds of the centres are in school premises, lent for the afternoon by the local authority; the remainder are more or less evenly distributed between police buildings, youth clubs, halls and other places. In Scotland the idea of attendance centres has not found favour, and the innovation introduced by post-war legislation did not include them.

The attendance centre order itself fixes the time of the boy's first attendance, and the number of hours for which he is to attend, which must normally be twelve. The times and number of occasions for his subsequent attendances, however, are fixed by the officer in charge of the centre, and he is told of them on his first visit. The times must not interfere with school or working hours; he cannot be made to attend more than once on any day, or for more than three hours at a time. In practice the times of attendance are always on Saturday, and usually in the afternoons; and while it is not unheard of for the normal twelve-hour order to be spread over twelve Saturdays, most centres spread it over six. Many of these, however, open only on alternate Saturdays, so that in the typical case the boy would attend for two hours every second Saturday over about three months...

Breaches of discipline are dealt with by admonition, temporary segregation, more disagreeable tasks, extension of attendance by reducing the hours from two to one on each day, and in extreme cases by bringing the boy back to court to be sentenced for his original offence. If a boy fails to attend, the police make enquiries at his home. Corporal punishment is not permitted. (p.186).

A number of elements of the Attendance Centre Scheme made it impractical for direct introduction into Tasmania. The age group towards which the scheme was geared would have made it appropriate for only a limited sector of the prison population and the maximum

attendance of three hours at any one time was not suitable for the types of projects which it was intended to incorporate into a Tasmanian scheme. The nature of the activities carried out at attendance centres, necessitating rigid administration and instruction, also detracted from the scheme's suitability for Tasmania, where the types of supervisors likely to be used required a more flexible administrative approach. Lack of staff and financial resources would make it necessary for the Tasmanian scheme to be administered largely by volunteers whereas the British scheme, which used paid staff, allowed for closer supervision.

However, the concept of loss of leisure as opposed to loss of liberty was incorporated into the Tasmanian Work Order Scheme together with an emphasis on practical community work rather than the less community-oriented exercises of physical training and handicrafts.

DETENTION CENTRES:

The purpose of detention centres in Britain was described in the Home Secretary's White Paper of 1959 as being -

intended by Parliament to provide a sanction for those who could not be taught to respect the law by such milder measures as fines, probation and attendance centres, but for whom long-term residential training was not yet necessary or desirable. (Walker, 1973, p.189).

Like the Attendance Centre Scheme, Detention Centres were designed for adolescent offenders considered likely to benefit from some form of treatment other than imprisonment. The centres themselves were usually converted country mansions, military camps

or similar establishments which had been modified for security. They were typically located in rural or semi-rural areas and owned, staffed and administered by the Prisons Department of the Home Office. Once again administration was rigid and extensive staff required.

The British Detention Scheme has also been covered by Walker (1973) -

A stay in a detention centre ... is meant to be short but strenuous. The staff of the centres feel strongly that if they are to achieve the best effect the boys' programme must be carefully planned so that they can aim at passing through the various stages and grades at roughly the same time after admission. The statute recognises this to the extent of providing a standard sentence of three months to juveniles who are sent to detention centres, but in England (not Scotland) exceptions are allowed ... Detainees can earn remission of one-third of the sentence.

After release, the detainee is subject to compulsory supervision for twelve months, with the sanction of recall (at the Prison Department's discretion) for one month or two months if he earns full remission on a six-month sentence. Unlike the ex-prisoner ... he cannot be recalled more than once. (p.190-191).

Walker also says that the staff of prison officers, assistant governors and governors were selected from the prison service as likely to be in sympathy with the educational aims of the detention centre regime. But other writers have criticised the scheme.

A review by West (1974) says -

In spite of the limitation of free conversation between inmates to short set periods, and the patrolling of dormitories, the more important contacts were between each other rather than between offenders and staff. The leadership of the more confident and aggressive, who were

sometimes the most delinquent, was shown by the rapid assumption of criminal slang and verbal bravado by the previously unsophisticated. This contamination effect is likely to become increasingly damaging if all kinds and degrees of offender continue to be mixed up together in the same detention centre. Detention centres have been criticised as retrograde institutions, because the purpose is more obviously punitive than remedial. The things one ex-detainee recalled were being stripped of clothes and possessions, ordered about senselessly, set to scrub already clean floors, paraded in the snow, and made to shave with blunt blades. He summed it up as "three months of blind obedience in digging holes, endless P.T. and continual deprivation", and complained that the system merely exposed the power of the law without teaching the offender how to change himself in order not to get into trouble again.

Judging by the reconviction rates of those passing through detention centres (more than a half re-convicted in the three years following release) the system is not particularly successful in deterring future criminality, but then neither are the approved schools and borstals, which give more prominence to reform by education, social training, and individual attention. (p.224).

A similar line is taken by Dunlop and McCabe (1965) -

For most of these youths, the energetic organised programme, starting at 6.15 a.m. with long periods of closely supervised hard work, and the enforcement of extreme orderliness and cleanliness, with frequent changing of clothes, showers, kit inspections, floor scrubbing, and parades, came as a new experience. Some affected indifference, like the boy who commented "It's a lot of shouting, it can't hurt you ...", but most of them expressed resentment at the physical hardship, the prohibition of smoking, and other restrictions. (p.223).

Thus, although detention centres were supposed to be an alternative to imprisonment, in operation they were very similar, involving a loss of liberty and the use of institutions. Furthermore, had the system been adopted, appropriate buildings would still have had to be found, and the cost of this would have been prohibitive. These factors made the direct implementation of the Detention Centre Scheme inappropriate for Tasmania.

PERIODIC DETENTION:

In New Zealand, a system of periodic detention, or weekend imprisonment, was introduced in 1963, and was later adopted in New South Wales.

Such a scheme, which interferes minimally with the normal life of the offender, has obvious advantages. Under periodic detention, offenders can still work during the week, thus providing for the maintenance of themselves and families, but report to a weekend prison on Friday evening where they are locked up for the weekend. Various community projects are undertaken on Saturdays and offenders finally released on the Sunday afternoon.

Although the scheme has a number of points in its favour - such as causing less disruption to family life than conventional imprisonment and, insofar as the offender can continue to work, placing fewer demands on social welfare services - it has also a number of disadvantages.

If imprisonment of an offender, as opposed to other forms of sanction, is seen as a means to protect the community as well as a punishment, then periodic detention only protects the community for two nights of the week. On the other five days and nights

the offender is allowed to go free. An offender who is considered sufficiently dangerous to warrant imprisonment for two nights of the week might equally be considered to be too dangerous to go free for the remaining five.

Periodic detention also presents problems for prison administrators because of the need to separate the "weekend prisoners" from the "full-time prisoners". This becomes a necessity because of the possibility of trafficking both in contraband and messages to and from the outside community. Weekend prisoners are therefore usually placed in separate institutions which adds considerably to the cost of the scheme. These separate institutions are used for only two days a week and extra security staff from the prison system have to be rostered for weekend duty typically involving the payment of penalty and overtime rates.

Clearly, periodic detention was not suitable for Tasmania. A shortage of funds and overcrowding in prisons had prompted the search for an alternative to short-term imprisonment and this scheme could only exacerbate the situation. But the concept of weekend community work was adopted and developed into a unique and original scheme.

The concept of unpaid community work by minor offenders was also suggested for Britain in the Wootten Report, Non-Custodial and Semi-Custodial Penalties (1970) and no doubt had some influence on the Tasmanian decision to develop a scheme of this nature as a means to ease the pressure on the prison population.

THE BEGINNINGS OF THE TASMANIAN WORK ORDER SCHEME

The Tasmanian Probation and Parole Service was instructed by the Attorney-General in 1970 to co-ordinate with the courts, police, prisons and the community in general to develop a scheme which would be -

1. An acceptable alternative to a short-term prison sentence.
2. Flexible in operation.
3. Suitable for a broad range of offenders of both sexes.
4. Readily available throughout the State.
5. Constructive for both the community and the offender.
6. Economical to establish and operate.
7. Suitable for, and involve, community participation.

The plan which ultimately emerged was simple in concept and satisfied all the specified conditions. It provided that courts at all levels might, instead of sentencing an offender to a term of imprisonment, order that he should give a portion of his free time to working on certain community projects. The offender would have the option of accepting the work order sentence or a term of imprisonment, and sanctions would be provided for non-compliance with the conditions of the order. Citizens and community organizations would be invited to submit proposals for work projects and, where possible, the supervision of offenders working on projects would be undertaken by citizen volunteers.

TRADES AND LABOUR COUNCIL CONSULTATION:

At an early stage of planning it was considered that officials in the trade union movement should be consulted on the proposal. The concept of work without pay is, to say the least, somewhat foreign

to the principles of unionism, and a hostile or negative attitude on the part of the unions would have effectively prevented the implementation of the scheme or, at least substantially reduced its effectiveness. Accordingly, the President and Secretary of the Tasmanian Trades and Labour Council were informed of the plan and invited to take part in the discussions. Extensive discussion and consultation followed and there is little doubt that the harmonious relationship which developed led to the proposal being accepted by the Trades and Labour Council and the trade union movement in general.

However, the Council insisted on certain conditions being incorporated into any proposed legislation -

1. No work would be performed by offenders under 16 years of age.
2. The scheme would be carried out on a trial basis for two years.
3. A review committee would be set up.
4. A nominee of the Trades and Labour Council would be represented on the review committee.
5. The committee would not function in the absence of the Council nominee.
6. No work projects would be undertaken without the approval of the Council nominee.

FEASIBILITY STUDY:

In January 1971 a feasibility study was begun by the Probation and Parole Service. This involved canvassing municipal authorities, and representatives of community organizations - such as church groups, school groups and service groups - throughout the State. The views of the legal profession, judiciary, magistracy

and the police force were also sought. Although apprehension was expressed in some quarters, the response was generally favourable and the planners felt able to proceed with the knowledge that there would be ready co-operation from the greater part of the Tasmanian community.

However the type of work to be carried out by the offenders remained as a major problem yet to be resolved. While some grandiose schemes were suggested, such as the commercial development of wilderness areas, or the repair of community facilities damaged by vandals, the most appropriate proposal was that offenders carry out work of a charitable nature which would not threaten the livelihood of any paid worker. This narrowed the field somewhat, but still left open a considerable variety of projects which could be undertaken. Gardening for the aged and infirm, maintenance of grounds for charitable institutions, house-painting and wood-chopping for pensioners were some of the suggestions put forward.

The principle finally adopted was that no work done by offenders would compete with the work of a paid employee, and the initial guidelines included work for the following types of institutions -

- (1) non-government institutions, such as homes for the aged, infirm, handicapped and children.
- (2) institutions receiving some State support, such as sheltered workshops and orphanages.
- (3) State institutions lacking regular maintenance staff, such as Welfare Department Children's Homes.

Proposals for certain civic projects were also adopted, such as -

- (1) The maintenance of parks, gardens and grounds of historic buildings not normally maintained by paid staff.
- (2) Clearing or making bushwalking tracks and removal of fire hazards.
- (3) Improving or building picnic areas and children's playgrounds.
- (4) Assisting civic and service groups in the development of local amenities including playgrounds and barbeque areas for the benefit of the general public.

Recommendations were also made relating to compensation for injuries, hours and conditions of work, conduct of offenders on work projects, and guidelines for work supervisors.

The final plan was discussed with the Attorney-General, approved in principle by Cabinet, and passed on to the Solicitor-General's Department for drafting into legislation.

THE LEGISLATION:

Drafting of the necessary legislation was begun early in 1971 and the Bill was presented to Parliament in October of that year. The Bill made amendments to the Probation of Offenders Act 1934, and introduced a completely new section dealing specifically with Work Orders. (Appendix A). Finally on the 1st of February, 1972, the Act was proclaimed for a trial period of two years and subsequently extended as permanent legislation. The Work Order Scheme as adopted in Tasmania was apparently the first of its kind in the Western World.

Section 7A of the Act is the key to the entire legislation and is set out here in full, (No. 82 of 1971) -

7A (1) Instead of sentencing a person to undergo a term of imprisonment, the Supreme Court and courts of summary jurisdiction may, with the person's consent, adjudge that he for his offence attend at such places and such times as shall be notified to him in writing by a probation officer or a supervisor, on so many Saturdays not exceeding twenty-five, as the court may order, and thereafter to do such things for such times as may be required of him under section seven B.

(2) A memorandum of an order under this section in the prescribed form and supplemented by the prescribed information shall be drawn up, be sealed or signed as prescribed, and be given to the person against whom the order is made before he is entitled to depart from the court by which the order is made.

(3) A work order shall be made only where it appears to the court that provision has been or will be made for the doing of work by the person against whom it is made.

(4) A copy of a work order shall be sent forthwith to the Secretary of the Attorney-General's Department.

An amendment made in 1973 substituted the word "days" for "Saturdays", thus enabling offenders to work on any day of the week. The amendment removed a discriminatory aspect of the legislation which operated against Jews and Seventh Day Adventists, whose religion may forbid working on Saturdays. It also allowed shift workers to participate in the scheme without interference to their normal employment. In practice, however, most work is still performed on Saturdays.

Offenders sentenced to work orders are insured by the State Government Insurance Office against injury while completing their work, and for this purpose are deemed to be employees of the Crown (albeit unpaid). Hereafter they shall be termed "employees".

Penalties may be imposed by a court if an employee fails to comply with the terms and conditions of a work order.

The court may (No. 2 of 1973 and No. 66 of 1973; section 14(2)) -

- (a) impose a penalty of one hundred dollars;
- (b) increase the number of days specified in the order by not more than twenty-five more;
- (c) impose a term of imprisonment not exceeding three months.

There are also a number of detailed regulations which govern the conduct and activities of the employee. For example, inability to work requires a medical certificate, and alcohol is forbidden on work order projects. Normal working conditions apply and are specified in the regulations which are supplied to the supervisors (Appendix B).

The Attorney-General is given power to appoint supervisors, and all Probation Officers are so appointed. In practice most supervision is carried out by citizen volunteers.

THE EARLY DEVELOPMENT OF THE SCHEME:

As originally devised, the scheme was planned primarily as an economic measure. It was envisaged that existing Probation and Parole staff would be used, thus avoiding any increases in establishment, and that there would be a minimum of expenditure on equipment. However, it was later claimed by the Probation and Parole Service that while staff and cost restrictions forced the scheme's administrators into being more innovative and inventive, in many ways they impeded the development of the scheme.

The task of finding suitable work projects, and supervisors in country areas, proved to be one of the most difficult in the early days of the scheme and, in the urban areas, there seemed to be a general community apprehension towards having "criminals" working around homes. After the initial favourable public response in the feasibility study, this attitude was particularly disappointing to the work order administrators.

The first projects to get underway involved work with various community service groups and with local councils in the development of council land reserves. Both types of projects had their problems. The community service groups began their projects with much gusto and enthusiasm, but after some months this began to wane. Being volunteer organisations, punctuality was not always enforced and late starts and early dismissals of the volunteer workers led to rather lax supervision of the work order employees, who were still required to work an eight-hour day. Council projects were generally supervised by paid council employees so that this particular problem did not arise, but others soon emerged. Work on council projects was usually of a very dull and routine nature, such as picking up stones from a large 250 hectare reserve, or endless clearing of bush using a minimum of equipment. Needless to say this type of work had little intrinsic reward for the employees. Further, the attitude adopted by some of the council supervisors was hardly conducive to promoting harmonious relationships. One supervisor, who seemed to view the employees as a convict chain gang, ordered that they work ten feet apart without talking to each other, and soon had a rebellion on his hands. The employees refused to take any more orders and said they would rather go to

gaol than work under his supervision.

Rapid diplomatic intervention and a certain degree of flexibility was required to save the scheme from dismal failure at this stage and the search for more suitable projects continued.

Approaches were made to old people's homes to see if routine maintenance work, such as mowing lawns, erecting fences, painting, and similar jobs could be done by work order employees. Although the matrons and Boards of Management were favourably disposed towards the idea, many of the aged residents were more apprehensive and at times down-right antagonistic towards the proposal. Fears of being bashed and robbed by "criminals" were expressed and many elderly ladies of 80 years and more were frightened they might be raped.

Obviously a great deal of public relations work was still required. A small number of carefully selected employees were sent to selected Old People's Homes where the scheme seemed to be viewed more favourably. The employees were closely supervised by Probation Officers and gradually the fears and apprehensions diminished as the benefits of the scheme were passed on by word of mouth to other aged pensioners. The demand for work order employees began to grow.

By this time the supervision had been taken over by the actual residents of the homes - often an old Regimental Sergeant-Major type who had a wealth of experience in working with men and who also had a vested interest in getting the best out of the employees he had to supervise. This was a major breakthrough in the development of the scheme and the benefits which resulted from this type of approach cannot be over-emphasised, particularly in the light of earlier problems encountered with the paid council super-

visors and the supervision undertaken by community service organisations.

A Work Order Review Committee had been established and was meeting frequently to discuss proposals for projects. It finally adopted a policy of giving blanket approval to projects involving unskilled work in and around such places as geriatric units, pensioners' homes, sheltered workshops, and certain specified civic projects. If the projects came within a basic set of requirements, they could be implemented without first having to be referred to the Review Committee for approval. The guiding principles adopted specified that no worker's livelihood was to be threatened, no work was to be undertaken which could or would normally be paid for, and projects would not involve work which could or would normally be done by capable relatives or friends.

It was no longer necessary for the Work Order Review Committee to meet so frequently. The Committee now meets three or four times a year when progress reports on the operation of the Scheme are presented and community attitudes in general are discussed.

THE SCHEME IN OPERATION

ADMINISTRATIVE REGIONS:

Tasmania is an island of some six-and-a-half million hectares (23,000 square miles). It has a population of nearly half a million people distributed widely throughout the State. Heavier concentrations are found around Hobart in the South with approximately 160,000 persons in the Hobart, Glenorchy and Clarence municipalities; Launceston in the North with a population of

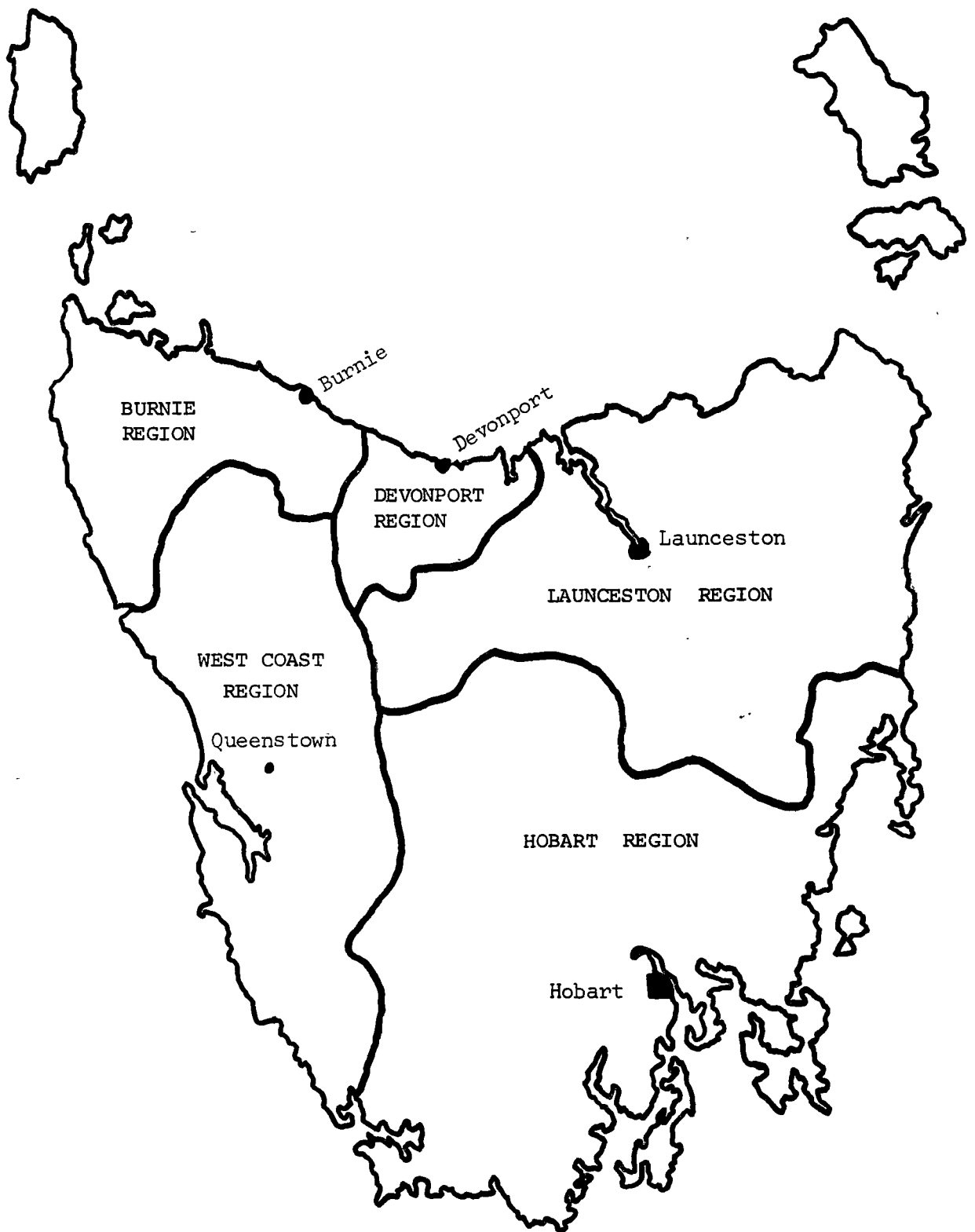


FIGURE 1. Regional boundaries and major population centres for the administration of the work order scheme.

33,000; Burnie with 20,000 and Devonport with 22,00 people on the North West Coast; and Queenstown on the West Coast with a population of 5,000. (Figure 1).

For administrative purposes, the State is divided into five regions each of which has a regional office of the Probation and Parole Service. The Senior Probation Officer in each region was made responsible for the administration of the Work Order Scheme in his local area.

THE LEGAL PROCESS:

A typical example of how the Work Order Scheme operates would be -

A suspect is charged, brought before the court, and found guilty. In cases where the Bench is considering a work order sentence, the Probation Service is usually asked to supply information as to the availability of projects in the area, and the suitability of the offender for a work order sentence. The court, at its own discretion may then, but need not, offer the offender a work order sentence instead of a term of imprisonment. In turn, the offender may, but need not, accept a work order sentence or may elect a prison term instead. Sentence is then passed for either a specific term of imprisonment or a specific number of days to be worked. A probation order can also be imposed with the work order.

One rather awkward aspect of this process is that although the offender is given the choice between a work order and imprisonment, he does not usually know the length of the terms between which he has to choose.

Once a work order is accepted, the employee is required to report to the probation office for an interview where an assessment is made as to which types of projects would be most suitable. (The employee must live within seven miles of the work project). After an initial assessment, the employee is formally notified in writing of the date and time of attendance at an approved project, how to get there, and the name of the supervisor. Written instructions outlining the obligations of the work order and the penalties which may be imposed for non-compliance are also handed to the employee.

The supervisor receives a list of the names and addresses of employees allocated to his project, and is required to complete and sign the roll each day on which the project is active. The attendance, conduct and diligence of every employee present is indicated on the roll. A pre-paid return envelope is provided and, upon completion, the roll is posted back to the Regional Probation Office.

Both supervisors and employees are notified well in advance when projects are suspended for short periods, as at holiday weekends, during the Christmas/New Year period, or at Easter.

Time lost due to sickness, accident, for personal reasons, or imprisonment for other offences must be made up. There is, however, provision in the Act for an employee to be returned to the court upon application to vary the original order.

If inclement weather prevents work from being carried out, the employee is accredited with the day providing he presents himself as required.

CURRENT OPERATION:

At the time this study was begun in February 1975, the Work Order Scheme had been operating and developed in Tasmania for nearly three years. The acceptance of the scheme by the courts was apparent in the increasing numbers being sentenced to work orders so that by this stage an average of two hundred offenders were working on projects throughout the State each week. Similarly, community acceptance was evident in changes to the types of projects being approved and undertaken. From a beginning on large group projects for impersonal institutions such as councils or community service groups, inroads had been made through projects at geriatric units, sheltered workshops and Children's Homes, until eventually the first employees were placed with individual pensioners in the pensioners' own homes. Placement of work order employees with individual pensioners was another major breakthrough for the scheme and the first example of individual assistance to a pensioner, as related by the Hobart Administrator of the scheme, demonstrates clearly the benefits of the scheme for both the offenders and the community.

'Doug' was an aged and invalid pensioner who was confined to a wheelchair and partially blind. He and his wife had lived in their house for many years when his wife died. It seemed 'Old Doug' would have to leave his home. He was not capable of doing the little maintenance jobs around the house, nor could he afford to pay for the assistance required. But in spite of the obvious difficulties in living alone, he was reluctant to move into a geriatric unit. It was suggested to him that he apply for a work order employee but he rejected the idea. He didn't want 'a bloody criminal' around the

house. He persevered on his own for some time, but when it finally became obvious that he couldn't cope and would have to move, he decided to take up the offer as a last resort. Needless to say the employee selected for the project was hand-picked but 'Old Doug' still had his qualms thinking that he might be bashed or robbed. On his first day the employee arrived at eight o'clock in the morning accompanied by a Probation Officer who put him to work in the garden and then left to attend to his other charges. At ten o'clock the employee disappeared for half an hour and 'Old Doug' was convinced he had gone to fetch his mates to help bash and rob him. At midday the wife of the employee arrived with two cooked meals. The employee had been home to ask his wife to prepare a meal for his pensioner supervisor and himself. From that day on 'Old Doug' has been an enthusiastic supporter of the scheme. He lives in a pensioner area and now organizes work order employees for other pensioners living nearby. A number of these employees have befriended 'Old Doug', paying him visits at evenings or weekends and often bringing their girlfriends and a couple of bottles of beer with them. From that of a lonely invalid widower, Doug's life has changed. He now has an interest in the community and other people, and has even asked for, and got, some of the more 'difficult cases' sentenced to work orders.

Doug's case is not an isolated one and any one of a number of work order examples could have illustrated the same point - that community fear is best overcome by example and once it has been overcome the beneficiaries carry out the public relations work much more effectively than any government authorities.

Word passed "along the grapevine" at the Darby and Joan, and Sixty and Over Clubs so that before long pensioners in many parts of the State were asking for individual assistance through the Work Order

Scheme. At the time of this study in 1975, approximately one-third of the work order employees were working for individual pensioners.

With the wide range of projects now available, an offender can readily be matched to a suitable project. If trust is extended to him and he betrays it through non-attendance or being unco-operative, he is transferred to a less desirable project. If there is some doubt about the reliability of an offender, he is placed on an intrinsically less rewarding project and informed that if he performs well he may be transferred to a more desirable one.

The Probation Service is responsible for finding suitable projects, matching offenders to projects, checking on performance and re-allocating, if necessary.

No further rebellions have occurred since the early days of the scheme, probably because of the improved selection of supervisors and projects and the matching of these with offenders. Although the work on all projects is basically the same - manual labour - the personal interaction which takes place between employees and needy pensioners or handicapped children is a reward in itself which cannot be found in projects that involve picking up stones on a seemingly endless council reserve.

SUPERVISION:

Changes in the operation of the Work Order Scheme went hand in hand with changes in its supervision. At first most projects were supervised by Probation Officers, members of community service organizations or local council employees. Provision was

made in the legislation for supervisors to be paid a fee of \$20 a day as well as a mileage allowance where applicable. However, once the general community became involved in the scheme, voluntary supervisors began to outnumber those who were paid. The important aspect of this is not the small amount of money saved, but the type of supervision and degree of personal involvement that a voluntary supervisor contributes to the scheme. It would be unfair to say that paid supervisors were "only in it for the money" for the monetary rewards were small, but the volunteers, who were generally the beneficiaries of the scheme, had a vested interest in ensuring its smooth operation. Most volunteer supervisors were aged pensioners or matrons in charge of institutions who had many years' experience in extracting the best of their workers, not only in terms of work but also in personal achievement. Considerable thought had been given to the question of training supervisors and more particularly to careful screening and selection but eventually it was decided to simply accept offers of assistance on the basis of goodwill, with the assumption that the volunteers were decent men and women willing to give of their time and effort towards the success of the scheme. To date there have been very few reports of supervisors taking advantage of the scheme and in the rare cases where exploitation has been evident the supervisors concerned have been rapidly phased out.

The concept of supervisors working in a voluntary capacity is considered to be a very important aspect of the Work Order Scheme. Without them, the scheme could have become a costly, bureaucratic exercise bogged down in administrative and procedural matters. The volunteers have contributed not only in the supervision of work pro-

jects, but also in the counselling and guidance they offer offenders. Many of the elderly pensioners have taken their young employees under their wings, while offenders often become personally involved in the well-being of their pensioner/supervisors. Cases where an employee continues to work for a pensioner after completion of a sentence and before a new employee can take over the project, are not uncommon. There are also some examples of employees or ex-employees who maintain regular social contact with their pensioner/supervisors.

EVALUATION OF THE SCHEME

The purpose of this study is to provide an evaluation of the Work Order Scheme. The manifold aims of the scheme, however, posed problems in the selection of suitable criteria for determining an index of success or failure.

A New Zealand evaluation of periodic detention by Te Punga (1973) used subsequent imprisonment for further offences as a basis for determining failure, giving a failure rate of 33% in a two-year follow-up period. An appraisal of the New South Wales periodic detention programme used subsequent convictions while on the programme as the criterion for success or failure. This gave an 85% success rate.

A study of the English Community Service Order Scheme by Pease et. al. (1975) used the number of orders "satisfactorily completed" and "unsatisfactorily terminated" as the criterion for evaluation, which produced a failure rate of 27%.

However, simple dichotomies like this are not really suitable for

evaluating a complex scheme like the Work Order Scheme which has a number of aims capable of being achieved each with varying degrees of success.

The initial purpose of the Work Order Scheme was to reduce the prison population in an economical way. To this can be added the instructions from the Attorney-General which, it will be recalled, were that the scheme be -

1. An acceptable alternative to a short-term prison sentence.
2. Flexible in operation.
3. Suitable for a broad range of offenders of both sexes.
4. Readily available throughout the State.
5. Constructive for both the community and the offender.
6. Economical to establish and operate.
7. Suitable for, and involve, community participation.

However, an assessment of the scheme on these points alone would still be lacking in a fundamental point.

Although the philosophy of punishment is a problem area in its own right, it is generally held that one of the primary aims of punishment is to reduce the incidence of crime, either through general deterrence, individual deterrence, rehabilitation, or education. (See particularly Andeneas 1952, 1966, 1970, 1975).

Most penal sanctions may be considered to fail in this area because of high rates of reconviction. So that one of the aims of the Work Order Scheme - assumed rather than stated - is that it will have a recidivism rate which is not worse than that of the prison sentence it is replacing.

This evaluation deals with the following aspects of the Work Order Scheme -

1. The effect of the Work Order Scheme on the size of the prison population.
2. The operational success and failure of the scheme. That is, the average weekly attendance and absence without leave rates; the conduct of the employees whilst on their work order projects; and the rates of breaching and absconding.
3. A description of the types of offenders sentenced to Work Orders.
4. The recidivism rate for work order employees compared to the recidivism rate for a comparable prison group.
5. The cost of the scheme compared to the cost of imprisonment.

each of which will be treated separately in the following sections of this thesis.

PART II

THE EFFECT

of the

WORK ORDER SCHEME

on the size

of the

PRISON POPULATION

This section of the evaluation examines the effect of the introduction of the Work Order Scheme on the size of the prison population in Tasmania.

The Work Order Scheme was introduced into the Tasmanian criminal justice system in February 1972 through an amendment to the Probation of Offenders Act and the legislation for the scheme specifies in Part IV, 7A(1) that work orders are an optional alternative to a prison sentence only. No mention is made of any other sanctions for which it may be substituted -

Instead of sentencing a person to undergo a term of imprisonment, the Supreme Courts and courts of summary jurisdiction may, with the person's consent, adjudge that he for his offence attend at such places and times as shall be notified to him in writing...

However, it was considered by the administering Probation Service that not all offenders sentenced to work orders would have received a prison sentence had work orders not been available. Further, Varne (1976) claimed that, of a sample of 30 offenders sentenced to work orders, only five, or 17% were likely to have gone to prison had the option of a work order not been available. These findings not only imply that the introduction of the Work Order Scheme in itself made little difference to the size of the prison population but would also suggest that the legislation was not being implemented as it had been laid down.

METHOD

To test the effect of the introduction of the Work Order Scheme on the Tasmanian prison population, the annual daily average prison popu-

lation was recorded for an equal period before and after the introduction of the scheme - from 1966/67 to 1975/76. Regression lines were then calculated for the daily average prison population for the five year period before and after the introduction of the scheme and differences between regression co-efficients were tested.

As the Work Order Scheme was introduced in February 1972, and the annual prison figures are based on the financial year, the prison figures for 1970/71 are the last available before the introduction of the scheme, and the figures for 1971/72 the first which could reflect any influence of the new scheme; (albeit it had only been operating for five months at that stage).

A similar analysis as that used to test the effect of the scheme on the size of the prison population was used to determine the proportion of offenders sentenced to work orders who would not have received a prison sentence had work orders not been available. The analysis was based on the number of "convicted prisoners received" (as distinct from "prisoners received" which includes persons held on remand) and covered a five year period before and after the introduction of the scheme. The difference between the expected number of convicted prisoners received (based on the pre-work-orders regression line) and the actual number of convicted prisoners received (based on the post-work-orders regression line) shows the number of offenders who could be expected to have received a prison sentence had work orders not been available. This number can also be shown as a proportion of the work order sentences imposed indicating the proportion of offenders sentenced to work orders who could be expected to have gone to prison had work orders not been available as well as the proportion of offenders sentenced to work orders who

would not be expected to have gone to prison.

Two factors other than the Work Order Scheme itself could have accounted for changes in the prison population and these were also examined.

Any differences in the daily average prison population or the number of convicted prisoners received following the introduction of the scheme could have been due to the number of convictions made by the courts rather than a change in sentencing policy brought about by the introduction of an alternative sanction. To determine whether there had been a change in the number of convictions made by the courts, a similar test to those described above was applied to the proportion of convictions resulting in a prison sentence before and after the scheme was introduced. This test would indicate whether any reduction in the daily average prison population or in the number of convicted prisoners received could be attributed to a decline in the total number of convictions made rather than a change in sentencing policy.

It may have been that Tasmania's prison population was decreasing in line with an Australia-wide trend, and a further comparison was made with the trends in prison population in the other Australian States. An analysis based on differences between regression coefficients, was carried out to determine whether the trends in Tasmania's rate of imprisonment differed from those in the other States - none of which had a Work Order Scheme or its equivalent when the Tasmanian Scheme was introduced. Since then, however, alternative sanctions such as community service orders, attendance centres and weekend detention have been introduced in most of the other States.

In this analysis, Tasmania's rate of imprisonment, based on the annual daily average prison population per 100,000 head of State population, was compared with the rate of imprisonment in the other Australian States for a five year period before and after the introduction of the Work Order Scheme.

RESULTS

DAILY AVERAGE PRISON POPULATION:

The annual daily average prison population, and the annual number of convicted prisoners received from 1966/67 to 1975/76 as recorded in the Controller of Prisons Annual Reports, is presented in Table 1. The numbers of offenders sentenced to work orders are also given where applicable.

Table 1 shows that in the five years preceding the introduction of the Work Order Scheme, the annual daily average prison population increased by 32.2% - from 292 in 1966/67 to 386 in 1970/71. In the following year, which was the first which could reflect any influence of the new scheme, the number dropped by 3.4% from 386 in 1970/71 to 373 in 1971/72. The daily average prison population thereafter continued to fall and in 1975/76 the number was 309 - a decrease of 20% from the 1970/71 pre-work-order figure.

A graph of the annual daily average prison population showing the regression lines before and after the introduction of the Work Order Scheme is shown in Figure 2. It can be seen that the trend towards an increasing daily average prison population was reversed following the introduction of the scheme. A test for differences between the slopes of the regression lines showed that this difference in trends was statistically significant.

Table 1. Annual daily average prison population; number of convicted prisoners received; number of offenders sentenced to work orders; and combined number of offenders sentenced to either work orders or imprisonment in Tasmania from 1966/67 to 1975/76.

Year	1966/67	1967/68	1968/69	1969/70	1970/71	1971/72	1972/73	1973/74	1974/75	1975/76
Daily average prison population	292	323	333	359	386	373	371	344	342	309
Number of convicted prisoners received	714	724	754	753	849	757	709	653	701	618
Number of offenders sentenced to work orders						87	339	350	436	590
Number of offenders sentenced to either work orders or imprisonment	714	724	754	753	849	844	1048	1003	1137	1208

Work orders introduced

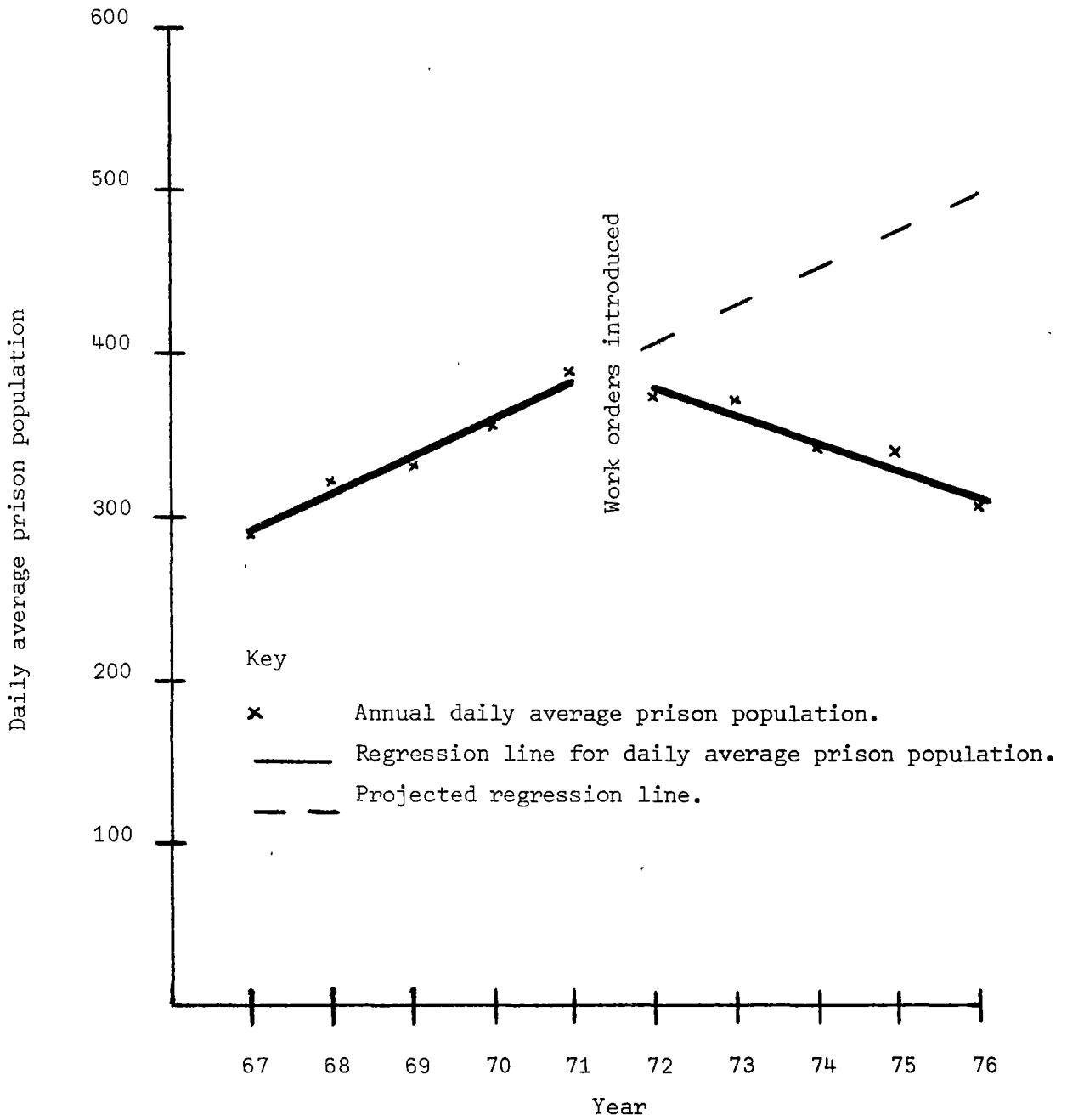


FIGURE 2. Regression lines for the annual daily average prison population in Tasmania five years before and after the introduction of the Work Order Scheme from 1966/67 to 1975/76.

$$t = 8.62; \text{ d.f. } = 6; p < .001$$

CONVICTED PRISONERS RECEIVED:

In the five years prior to the introduction of the Work Order Scheme, the number of convicted prisoners received increased by 18.9% from 714 to 849, as shown in Table 1. In 1971/72, after the Work Order Scheme had been in operation for only five months, the number of convicted prisoners received had dropped by 10.8% to 757. By 1975/76, the number of convicted prisoners received had dropped to 618. This was 231 or 27.2% less than the 1970/71 pre-work-order figure.

A graph of the annual number of convicted prisoners received, showing the regression lines for the five years before and after the introduction of the Work Order Scheme, is presented in Figure 3. Once again it can be seen that the trend of an increasing number of convicted prisoners received before the introduction of the scheme was reversed to a decreasing trend following the introduction of the scheme.

A test for differences between the slopes of the regression lines for the number of convicted prisoners received pre- and post-work-order was statistically significant.

$$t = 3.35; \text{ d.f. } = 6; p < .05$$

The projected number of convicted prisoners received (based on the pre-work-order regression line) is shown in Figure 3. The difference between the expected and actual number of convicted prisoners received (again based on the regression lines) is shown in Table 2. In Table 2, it can be seen that the expected number of prisoners

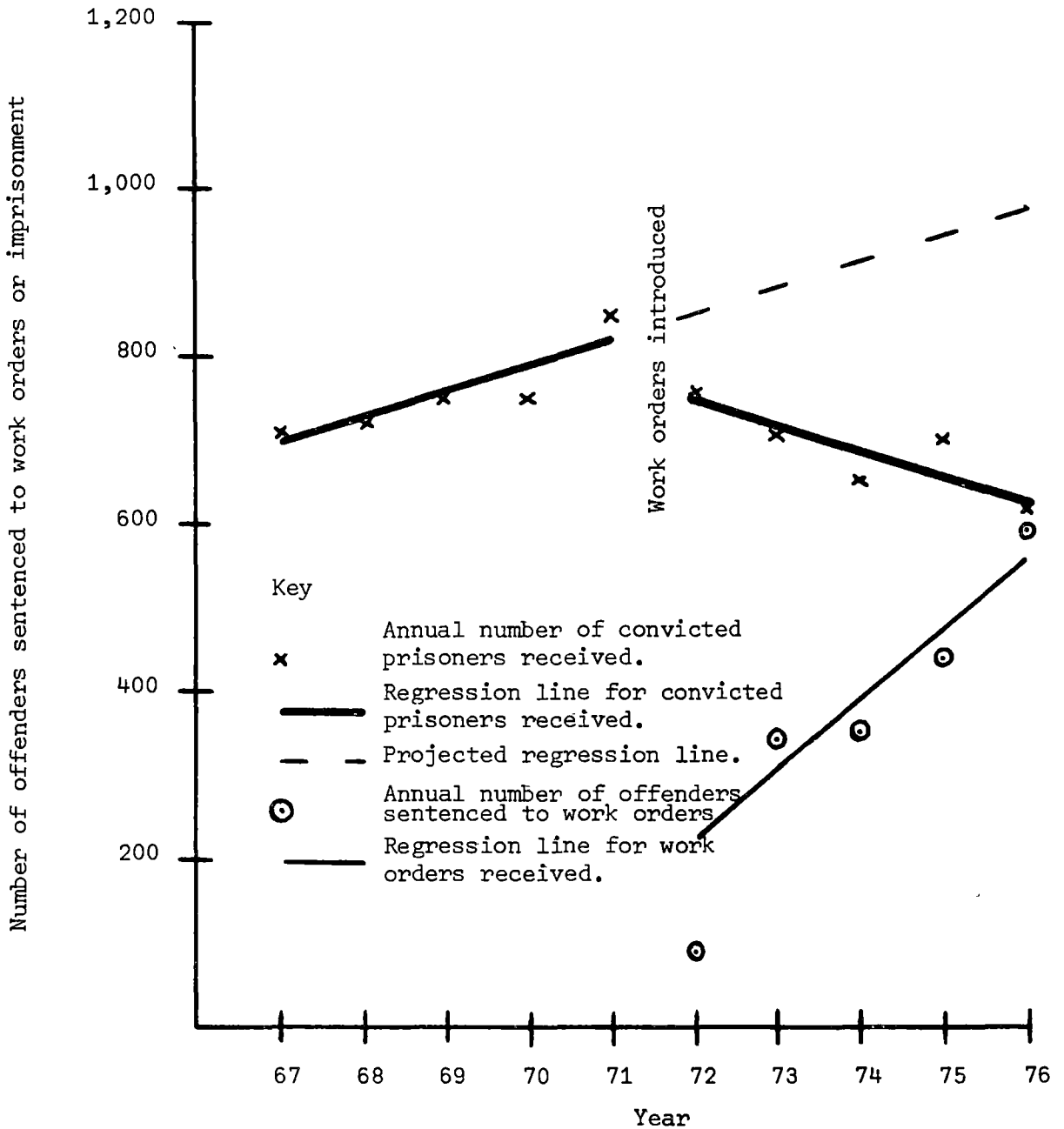


FIGURE 3. Regression lines for the number of convicted prisoners received annually in Tasmania 5 years before and after the introduction of the Work Order Scheme from 1966/67 to 1975/76. Also shown is the regression line for the number of offenders sentenced to work orders, based on the 4 complete years in which the scheme had been in operation.

Table 2. The estimated number and proportion of offenders sentenced to work orders who would not have been sentenced to prison in Tasmania for the years as marked.

Year	Expected number of convicted prisoners received, (based on pre-work-order line of regression)	Actual number of convicted prisoners received, (based on post-work-order line of regression)	Difference		Number of offenders sentenced to work orders (based on line of regression for 4 complete years of scheme's operation)	Est. number of offen- ders sentenced to work orders who would not have gone to prison	
	(a)	(b)	Number (a-b)	Percentage $\frac{c}{a} \times 100$ (d)		Number (e-c)	Percentage $\frac{f}{e} \times 100$ (g)
1971/72	848.5	744.8	103.7	12.2%	219.0	115.3	52.7%
1972/73	878.4	716.2	162.2	18.5%	302.9	140.7	46.5%
1973/74	908.3	687.6	220.7	24.3%	386.8	166.1	42.9%
1974/75	938.2	659.0	279.2	29.8%	470.7	191.5	40.7%
1975/76	968.1	630.4	337.7	34.9%	554.6	216.9	39.1%

received in 1971/72 was 848.5, while the actual number was 744.8 - a drop of 103.7 or 12.2%. This decreasing trend continued, as shown in Figure 3 and Table 2, so that by 1975/76 the actual number of convicted prisoners received was 337.7 less than the 986.1 expected. This represented a drop of 34.9%. A t test for differences between the means of the projected number of convicted prisoners received and the actual number of prisoners received was statistically significant.

$$t = 6.88; \text{ d.f. } = 8; p < .001$$

ESTIMATED PROPORTION OF OFFENDERS SENTENCED TO WORK ORDERS WHO
WOULD NOT HAVE BEEN SENTENCED TO PRISON:

The number of offenders sentenced to work orders rose from 87 during the scheme's first five months of operation to 590 for the year 1975/76 (see Table 1). The number of offenders sentenced to work orders for the five years following the introduction of the scheme are plotted in Figure 3. The regression line (based on the four complete years in which the scheme had been operating) is also shown in Figure 3.

However, the number of offenders sentenced to work orders was consistently greater than the difference between the expected and actual number of convicted prisoners received (see Table 2). The most probable explanation for this discrepancy is that not all offenders sentenced to work orders would have received a prison sentence had work orders not been available. The number of offenders sentenced to work orders who would not have been expected to receive a prison sentence can be estimated by subtracting the difference between the expected and the actual number of convicted prisoners received

from the total number of offenders sentenced to the alternative sanction. This number, and the percentage of offenders sentenced to work orders that it represents, is shown in Table 2. The proportion of offenders sentenced to work orders who would not have received a prison sentence had work orders not been available ranges from 52.7% in 1971/72 to 39.1% in 1975/76.

Figure 4 illustrates diagrammatically the proportion of offenders sentenced to work orders who would and would not be expected to have received a prison sentence had work orders not been available. In Figure 4, the pre- and post-work-order regression lines for the number of convicted prisoners received have been plotted. Also plotted are the projected number of convicted prisoners received and the regression line combining the post-work-order number of convicted prisoners received with the number of offenders sentenced to work orders.

The area bounded by the points A B D C represents the proportion of offenders sentenced to work orders who would be expected to have received a prison sentence had work orders not been available, and the area bounded by A B F E represents the proportion of offenders sentenced to work orders who would not be expected to have received a prison sentence.

A test for differences between the slopes of the regression lines of the projected number of convicted prisoners received post-work-orders and the regression line combining the number of convicted prisoners received with the number of offenders sentenced to work orders was not statistically significant.

$$t = 1.37; \text{ d.f. } = 5; p > .05; \text{ not significant}$$

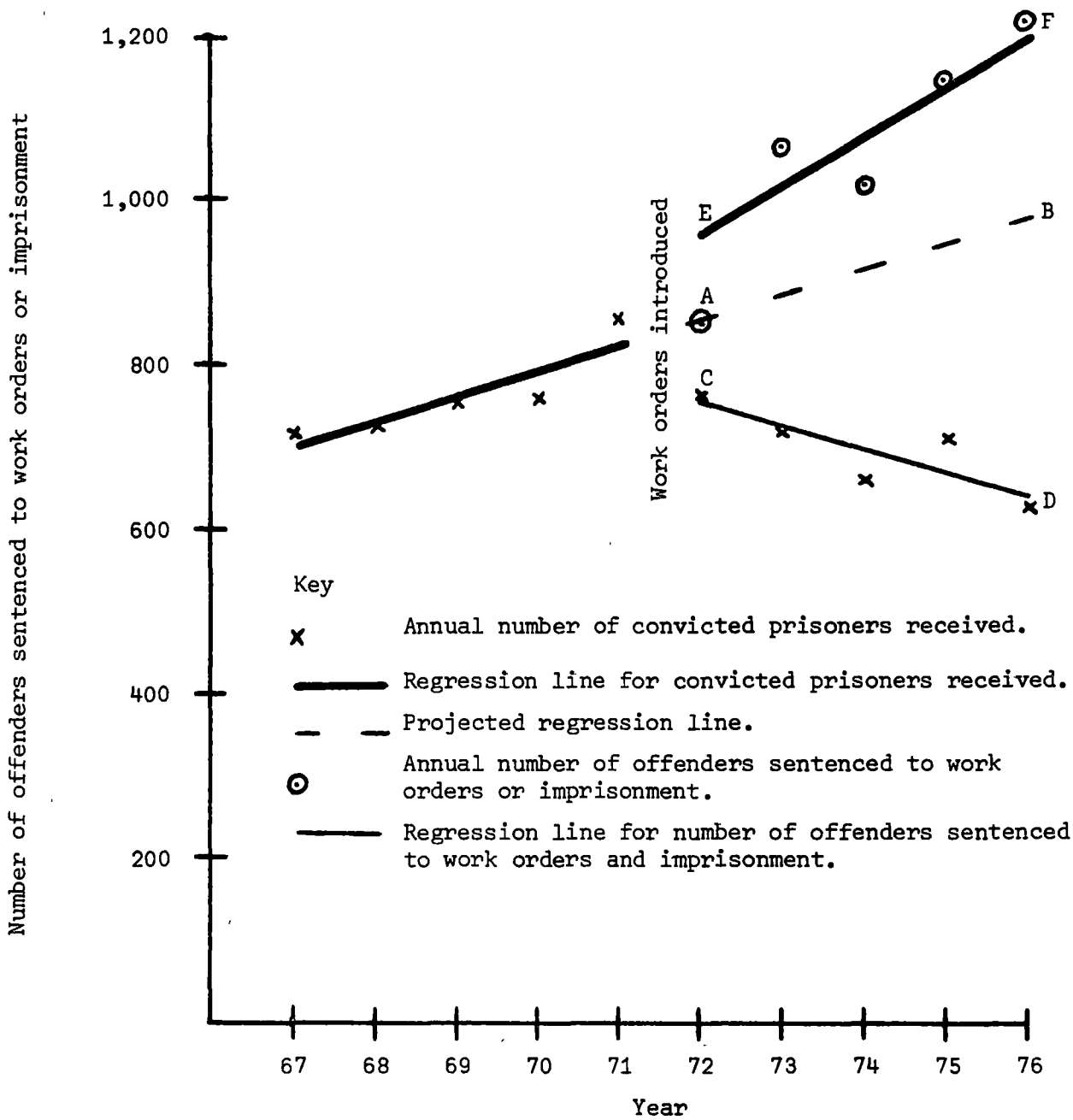


FIGURE 4. Regression lines for the number of convicted prisoners received before and after the introduction of the Work Order Scheme from 1966/67 to 1975/76. Also shown is the regression line for the number of offenders sentenced to work orders or imprisonment. Proportion of offenders between points A B D C would be expected to have received a prison sentence had work orders not been available. Proportion of offenders between points A B F E would not be expected to have received a prison sentence had the Work Order Scheme not been available.

However, there was a significant difference between the means of the projected number of prisoners received and the combined number of offenders sentenced to either imprisonment or work orders.

$$t = 4.08; \text{ d.f. } = 7; p < .01$$

This finding further supports the suggestion that not all offenders sentenced to work orders would have received a prison sentence had the alternative sanction not been available.

PROPORTION OF CONVICTIONS RESULTING IN A PRISON SENTENCE:

The number of offenders sentenced to imprisonment may have been affected by the number of convictions made by the courts rather than through any change in sentencing policy. Table 3 shows the number of cases dealt with by the courts which resulted in a conviction,¹ the number of convicted prisoners received, and the proportion of convictions resulting in a prison sentence. It can be seen that before the introduction of the Work Order Scheme, the proportion of convictions which resulted in a prison sentence increased steadily from 2.2% in 1966/67 to 2.9% in 1970/71. After the introduction of work orders, the proportion dropped back immediately to 2.2% in 1971/72 and continued to drop until the proportion of convictions resulting in a prison sentence was 1.8% in 1975/76.

1

Data obtained from the Australian Bureau of Statistics. The numbers refer to cases heard resulting in a conviction, not the actual number of convictions. This means that a person convicted of three offences in the one court sitting is counted once only.

In order to synchronize the court figures, which are based on calendar years, with the prison figures, which are based on financial years; the average number of court convictions over the two overlapping years was calculated - i.e. the court figures for 1966 plus 1967 divided by two give the number of convictions for the 1966/67 financial year.

Table 3. The number of convictions^a in Magistrates and Higher Courts; the number of convicted prisoners received; the percentage of convictions resulting in a prison sentence; the number of offenders sentenced to work orders or imprisonment; and the percentage of convictions resulting in a work order or prison sentence in Tasmania for the years as marked.

Year	1966/67	1967/68	1968/69	1969/70	1970/71	1971/72	1972/73	1973/74	1974/75	1975/76
Number of convictions ^a in Magistrates and Higher Courts	32,198	31,061	28,575	26,858	29,670	34,130	34,444	33,339	34,376	34,423
Number of convicted prisoners received	714	724	754	753	849	757	709	653	701	618
Percentage of convic- tions resulting in a prison sentence	2.2%	2.3%	2.6%	2.8%	2.9%	2.2%	2.1%	2.0%	2.0%	1.8%
Number of offenders sen- tenced to either work orders or imprisonment						844	1,048	1,003	1,137	1,208
Percentage of convic- tions resulting in either a work order or prison sentence						2.5%	3.0%	3.0%	3.3%	3.5%

Work orders introduced

45.

^a A person convicted on several counts at the one hearing is included only once. This is the same with the number of convicted prisoners received, an offender sentenced to several terms of imprisonment at the one hearing is included only once in the number of convicted prisoners received. Number of convictions obtained from the Australian Bureau of Statistics.

The regression lines for the proportion of convictions resulting in a prison sentence pre- and post-work-orders are shown in Figure 5.

A test for the differences between the slopes of the regression lines for the proportion of convictions resulting in a prison sentence pre- and post-work-order was statistically significant.

$$t = 6.33; \text{ d.f.} = 6; p < .001$$

The difference between the means of the proportions of convictions resulting in a prison sentence pre- and post-work-order was also statistically significant.

$$t = 10.12; \text{ d.f.} = 8; p < .001$$

However, there was no significant difference in either the slopes of the regression lines, or the means, between the expected proportion of convictions resulting in a prison sentence pre-work-order (based on the pre-work-order regression line) and the combined proportion of convictions resulting in either a prison or work order sentence post-work-order.

Testing for differences in the slopes of the regression lines -

$$t = 1.42; \text{ d.f.} = 6; p > .05; \text{ not significant}$$

Testing for differences between the means -

$$t = 1.77; \text{ d.f.} = 8; p > .05; \text{ not significant}$$

This finding indicates that the trend in sentencing prior to the availability of work orders followed a similar pattern to the sentencing trend after work orders became available. Before the Work Order Scheme, an increasing proportion of convictions resulted in a

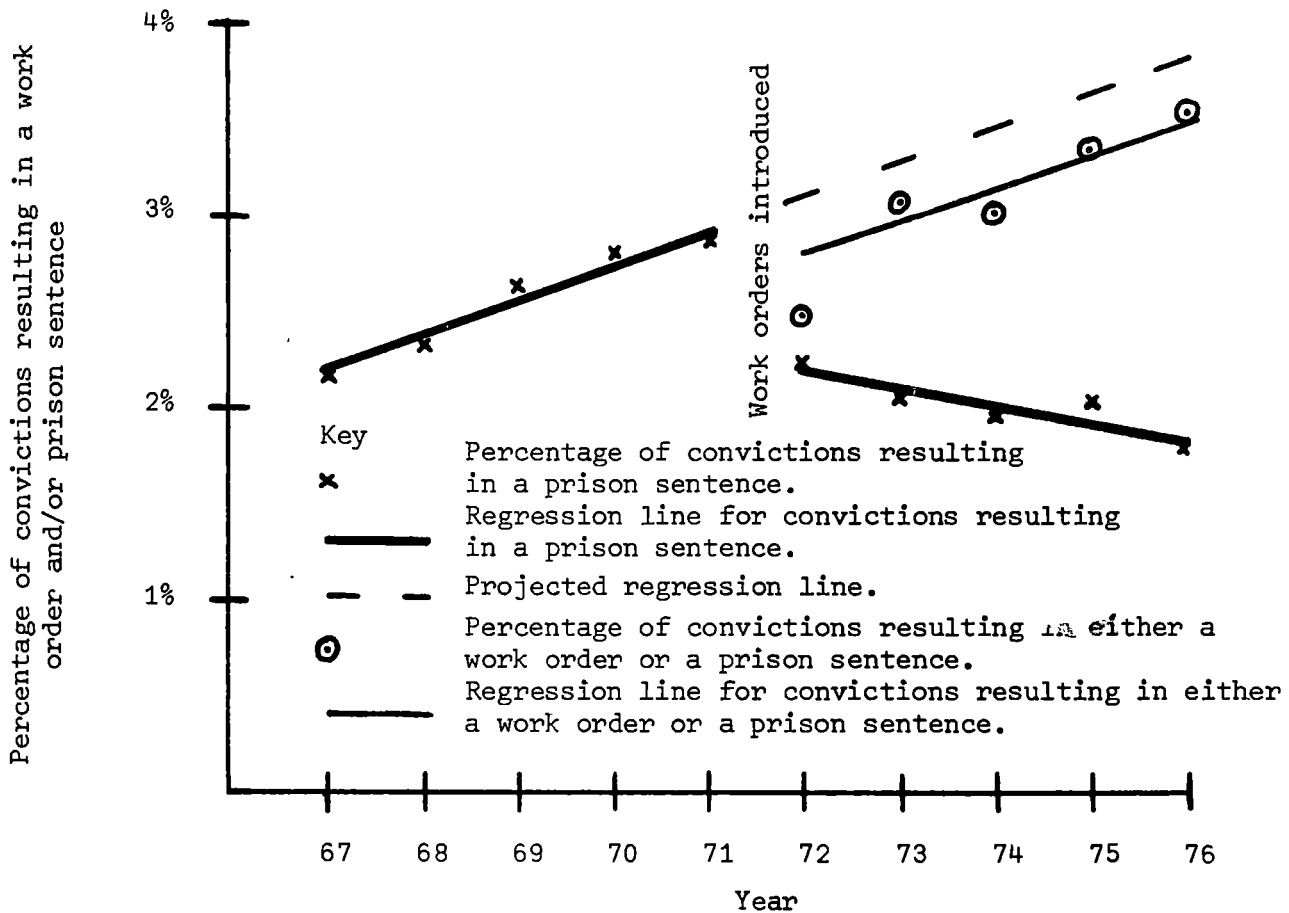


FIGURE 5. Regression lines showing the percentage of convictions resulting in a prison sentence before and after the introduction of the Work Order Scheme from 1966/67 to 1975/76. Also shown is the regression line for the combined percentage of convictions resulting in either a work order or prison sentence.

prison sentence. After the introduction of the scheme, a similar trend was found in the proportion of convictions resulting in either a prison or work order sentence.

A test for differences between the means of the number of convictions made by the courts pre- and post-work-order showed a significant increase in the number of convictions made following the introduction of the scheme.

$$t = 4.67; \text{ d.f. } = 8; p < .01$$

For the five years prior to the introduction of the Work Order Scheme, the average number of convictions per year was 29,672. This increased to an average of 34,142 per year for the five year period following the scheme's introduction.

However, a test for differences between the pre- and post-work-order slopes of the regression lines for the number of convictions made by the courts showed no significant difference.

$$t = 1.37; \text{ d.f. } = 6; p > .05; \text{ not significant}$$

This means that the trend in the number of convictions made by the courts did not change significantly before and after the introduction of the Work Order Scheme. There was, however, a significant change in the sentencing policy of the courts before and after the introduction of work orders which was apparent in the decreasing proportion of convictions resulting in a prison sentence.

TASMANIA'S IMPRISONMENT RATE COMPARED TO THE OTHER AUSTRALIAN STATES:

Reference has been made earlier to the possibility that the reduction in the size of the Tasmanian prison population following the intro-

Table 4. Imprisonment rates based on daily average prison population per 100,000 head of population for the States as marked.^a

Year	1966/67	1967/68	1968/69	1969/70	1970/71	1971/72	1972/73	1973/74	1974/75	1975/76	
Tasmania	77.5	84.8	86.2	92.3	98.5	Work orders intro- duced	94.8	93.6	86.0	84.4	75.9
New South Wales (includes A.C.T.) ^b	79.5	80.8	80.0	81.1	82.1		85.0	83.8	68.0	67.0	63.6
Victoria	64.1	66.7	67.9	65.7	67.5	65.9	57.9	50.8	44.4	42.8	
Queensland	63.6	61.3	60.1	63.4	66.9	68.6	76.9	73.5	73.4	67.9	
South Australia	80.4	86.5	88.0	79.6	76.3	76.7	71.2	60.4	58.4	56.5	
Western Australia	114.9	128.9	140.1	129.7	137.8	141.3	129.9	100.6	89.5	85.1	
All States except Tasmania	76.2	79.0	80.0	78.8	80.7	82.1	79.2	67.0	63.7	60.6	

a. Annual daily average prison populations obtained from the respective Prisons/Corrections Departments Annual Reports. State populations obtained from the Australian Bureau of Statistics.

b. A.C.T. prisoners held in N.S.W. prisons. To compensate for this A.C.T. population included in New South Wales for determining imprisonment rate.

duction of the Work Order Scheme could have been due to an Australia-wide trend which happened to be reflected in Tasmania at that time.

The imprisonment rates in Tasmania were therefore compared with the rates in each of the other Australian States. Table 4 shows the imprisonment rate (based on the annual daily average prison population per 100,000 head of State population) of each of the Australian States for a five year period before and after the introduction of the Work Order Scheme in Tasmania.²

In that time imprisonment rates were found to differ markedly between the States with the highest in Western Australia in 1971/72 (141.3) and the lowest in Victoria in 1975/76 (42.8).

Tasmania's imprisonment rate is compared to the imprisonment rate for the rest of Australia (excluding the Northern Territory³) in Figure 6. It can be seen that although Tasmania's imprisonment rate was increasing considerably faster than for the other Australian States prior to the introduction of the Work Order Scheme, after its introduction, the rate of imprisonment in Tasmania decreased at almost the same rate (but at a higher level) as the imprisonment rate of the other States.

Tests for differences in the pre-work-order rate of imprisonment in Tasmania and the rest of Australia showed significant differences between both the slopes of the regression lines -

$$t = 5.30; \text{ d.f. } = 6; p < .01$$

² Annual daily average prison population figures obtained from the annual reports of the respective Prisons/Corrections Departments. Annual State population figures from the Australian Bureau of Statistics.

³ Annual daily average prison population figures not available for the Northern Territory during this period.

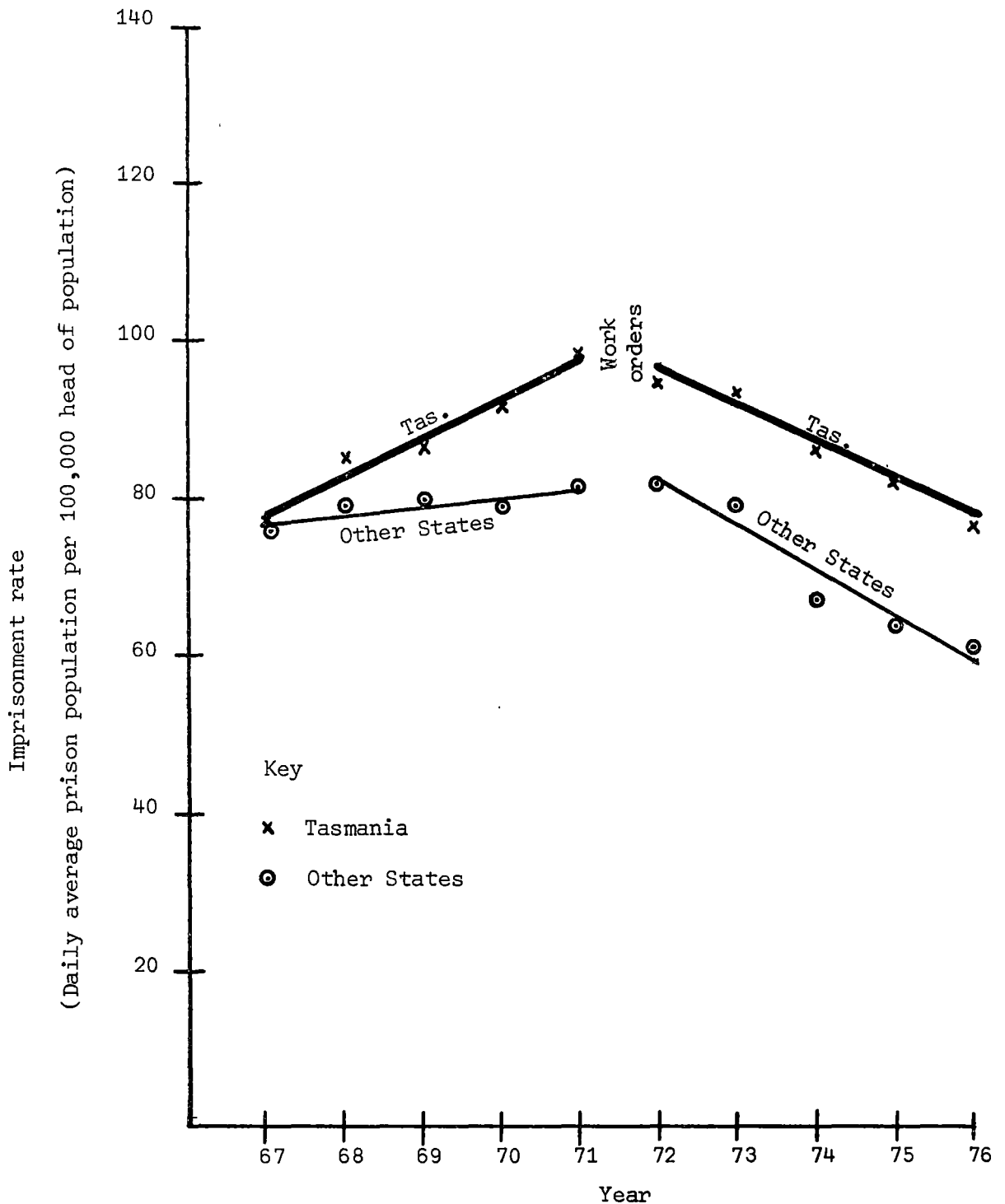


FIGURE 6. Regression lines for imprisonment rates in Tasmania and the combined other Australian States from 1966/67 to 1975/76 (based on daily average prison population per 100,000 head of State population). Regression lines calculated 5 years before and after the introduction of work orders in Tasmania.

and the means -

$$t = 2.45; \text{ d.f. } = 8; p < .05$$

Differences between the slopes of the regression lines for the post-work-order rate of imprisonment were not significant.

$$t = .80; \text{ d.f. } = 6; p > .05; \text{ not significant}$$

There were significant differences, however, between the post-work-order mean rates of imprisonment.

$$t = 2.99; \text{ d.f. } = 8; p < .05$$

These findings indicate that the decreasing rate of imprisonment in Tasmania following the introduction of the Work Order Scheme was similar to the trends in the other Australian States which did not have a comparable scheme.

Tasmania's imprisonment rate is compared with each of the Australian States in Figures 7 and 8. The results of tests for differences between the regression co-efficients and the means pre- and post-work-order are shown in Table 5.

For the five years prior to the introduction of the Work Order Scheme, Tasmania had a higher rate of imprisonment than either Queensland or Victoria and a lower rate of imprisonment than Western Australia. There were no significant differences between the rates of imprisonment in Tasmania, New South Wales or South Australia.

Both Tasmania and Western Australia did however, experience similar trends in the rapid increase of their prison populations in the five years before the introduction of the Work Order Scheme. The rates of increase in all other States were significantly lower than for

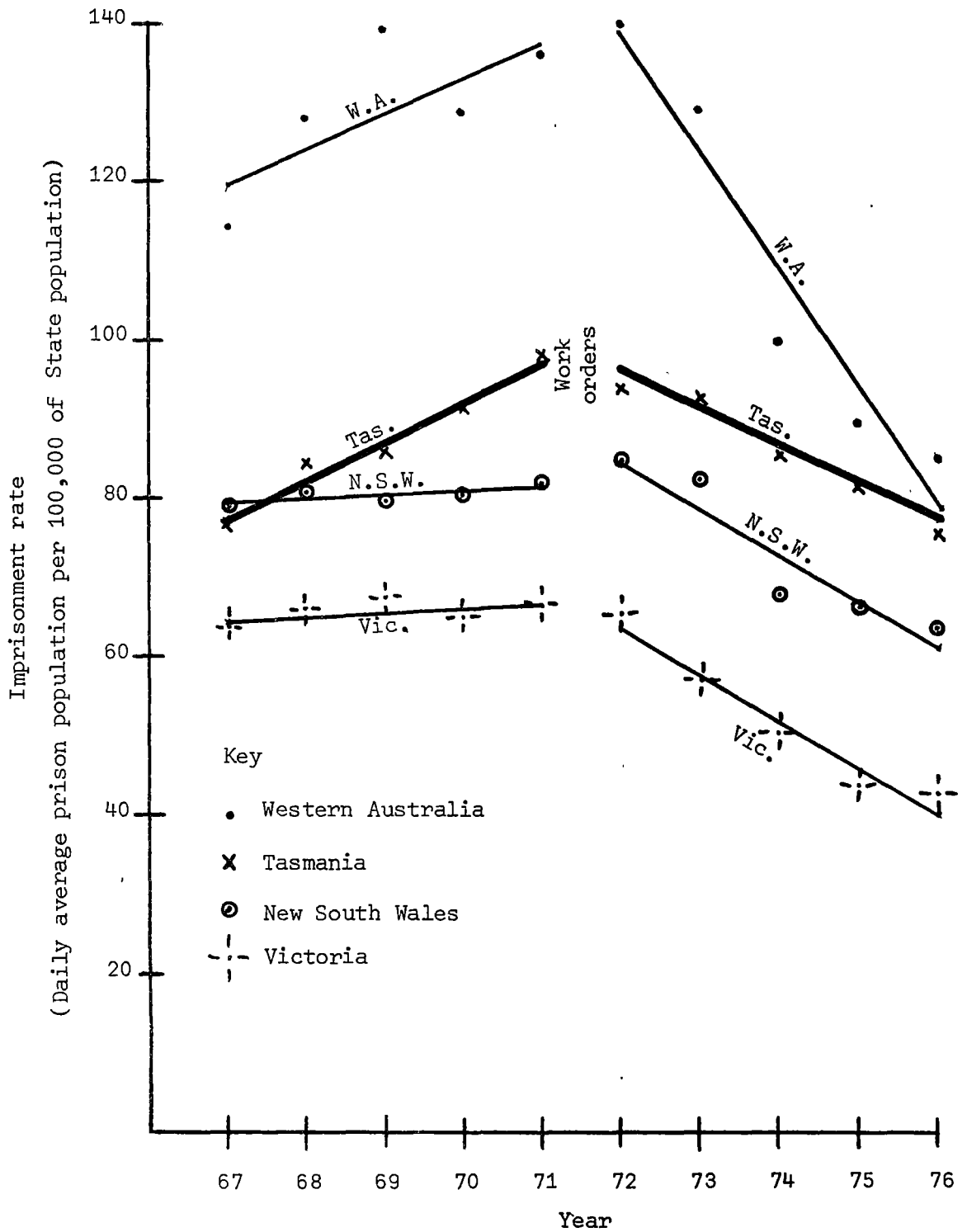


FIGURE 7. Regression lines for imprisonment rates in Western Australia, Tasmania, New South Wales and Victoria from 1966/67 to 1975/76 (Based on daily average prison population per 100,000 of State population). Regression lines calculated 5 years before and after the introduction of work orders in Tasmania.

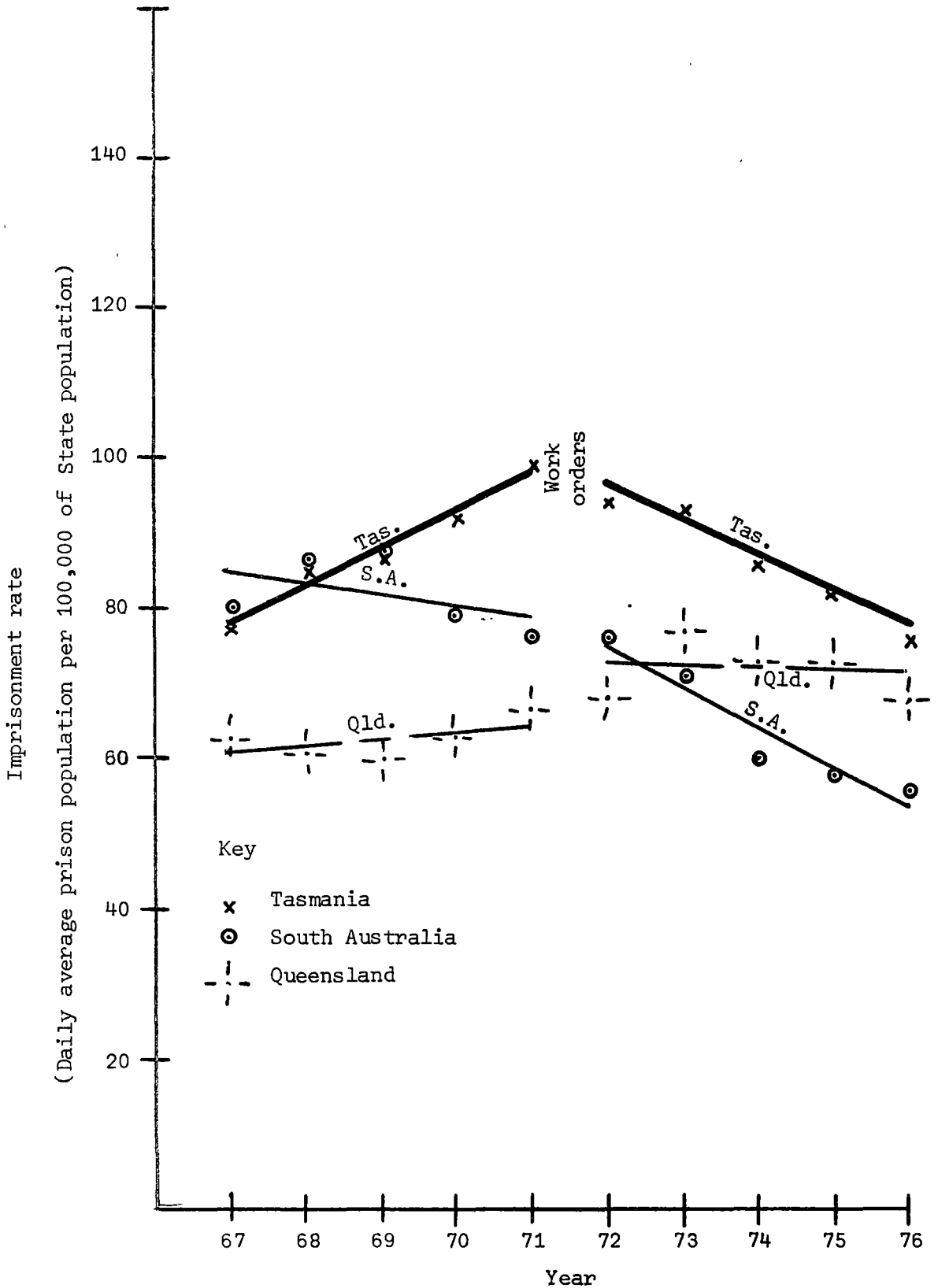


FIGURE 8. Regression lines for imprisonment rates in Tasmania, South Australia and Queensland from 1966/67 to 1975/76 (based on daily average prison population per 100,000 of State population). Regression lines calculated 5 years before and after the introduction of work orders in Tasmania.

Table 5. Results of tests between slopes of the regression lines and differences between means on the imprisonment rates between Tasmania and the other Australian States before and after the introduction of the Work Order Scheme in Tasmania.

	Pre work order	Post work order
Tasmania	$B = 4.97; r = .98; N = 5$ $\bar{X} = 87.85; S = 7.12$	$B = -4.70; r = -.97; N = 5$ $\bar{X} = 86.93; S = 7.67$
New South Wales	$B = 0.56; r = .86; N = 5$ $t = 6.49; d.f. = 6; p < .001$ $\bar{X} = 80.71; S = 1.04$ $t = 1.99; d.f. = 8; p > .05$ not significant	$B = -5.98; r = -.93; N = 5$ $t = 0.68; d.f. = 6; p > .05$ not significant $\bar{X} = 73.47; S = 10.14$ $t = 2.37; d.f. = 8; p < .05$
Victoria	$B = 0.57; r = .59; N = 5$ $t = 5.24; d.f. = 6; p < .01$ $\bar{X} = 66.38; S = 1.53$ $t = 5.92; d.f. = 8; p < .001$	$B = -5.96; r = -.98; N = 5$ $t = 0.38; d.f. = 6; p > .05$ not significant $\bar{X} = 52.33; S = 9.62$ $t = 6.29; d.f. = 8; p < .001$
Queensland	$B = 0.87; r = .53; N = 5$ $t = 4.61; d.f. = 6; p < .01$ $\bar{X} = 63.04; S = 2.60$ $t = 6.62; d.f. = 8; p < .001$	$B = -0.49; r = -.20$ $t = 3.45; d.f. = 6; p < .05$ $\bar{X} = 72.03; S = 3.77$ $t = 3.90; d.f. = 8; p < .01$
South Australia	$B = -1.52; r = -.49; N = 5$ $t = 3.15; d.f. = 6; p < .05$ $\bar{X} = 82.15; S = 4.92$ $t = 1.36; d.f. = 8; p > .05$ not significant	$B = -5.31; r = -.95; N = 5$ $t = 0.64; d.f. = 6; p > .05$ not significant $\bar{X} = 64.63; S = 8.81$ $t = 4.27; d.f. = 8; p < .01$
Western Australia	$B = 4.65; r = .74; N = 5$ $t = 0.10; d.f. = 6; p > .05$ not significant $\bar{X} = 130.26; S = 9.87$ $t = 7.48; d.f. = 8; p < .001$	$B = -15.26; r = -.96; N = 5$ $t = 3.36; d.f. = 6; p < .05$ $\bar{X} = 109.28; S = 24.97$ $t = 1.91; d.f. = 8; p > .05$ not significant
All States except Tasmania	$B = 0.89; r = .82; N = 5$ $t = 5.30; d.f. = 6; p < .01$ $\bar{X} = 78.93; S = 1.73$ $t = 2.45; d.f. = 8; p < .05$	$B = -5.85; r = -.96; N = 5$ $t = 0.80; d.f. = 6; p > .05$ not significant $\bar{X} = 70.50; S = 9.58$ $t = 2.99; d.f. = 8; p < .05$

Tasmania and Western Australia during that time.

The trend of a decreasing prison population in Tasmania in the five years after the introduction of work orders coincided with similar trends in New South Wales, Victoria and South Australia. Queensland had a slower rate of decrease and Western Australia a more rapidly decreasing prison population. Although Tasmania's rate of imprisonment was decreasing, the actual size of the prison population was still higher than all other States except Western Australia.

Thus, Tasmania's decreasing prison population after the introduction of work orders was generally similar to the trends in the other Australian States where no such scheme existed. Moreover, even after the introduction of the Work Order Scheme, Tasmania still had a higher imprisonment rate than all the other States except Western Australia. The difference between the imprisonment rates in Tasmania and Western Australia was not, however, statistically significant.

DISCUSSION

Given that the Work Order Scheme was introduced in Tasmania primarily as a means of reducing the size of the prison population, and the fact that the prison population did decrease after the scheme's introduction, it would be tempting to say that there was a direct causal relationship between the two.

The facts are that Tasmania's daily average prison population had been increasing before the introduction of the Work Order Scheme and that it began to decrease and continued to decrease following its introduction (Figure 2). Similarly there was a reversal in trends from an increasing to a decreasing number of convicted prisoners re-

ceived in Tasmania which coincided with the introduction of work orders (Figure 3), which rules out the possibility of the same number of prisoners being sentenced to shorter terms of imprisonment.

The reversal in trends could not be accounted for by a decline in the number of convictions made by the courts and indeed the number of court convictions continued to increase. (The trend in the number of convictions made by the courts was not, however, statistically significant). Furthermore, the proportion of convictions resulting in a prison sentence did decrease significantly after the scheme was introduced showing that a definite change in sentencing policy had occurred, rather than a decrease in crime, police activity or court activity.

These findings point towards a strong connection between the introduction of the Work Order Scheme and the reversal of past trends in court and prison activity in Tasmania. However, the fact that similar trends were experienced in the other Australian States which at that time did not have a comparable scheme, weakens the case that the new scheme was responsible for this reversal. Rather it would appear that there was an Australia-wide change in sentencing policy which just happened to coincide with the introduction of the Work Order Scheme in Tasmania.

Any of a number of different hypotheses could be offered to explain the relationship between the change in sentencing policy in Tasmania and the rest of Australia:

- * that Tasmania was simply moving in line with the changing sentencing policies in the other Australian States and that this had nothing to do with the Work Order Scheme;

- * that the introduction of the Work Order Scheme provided the means for a change of sentencing policy in Tasmania which coincided with similar policy changes in the other Australian States;
- * that the introduction of the Work Order Scheme provided the means for a change in sentencing policy in Tasmania and that this was followed by the other Australian States.

There is no clear way of resolving this issue without having access to Government documents in the other States. However, it does seem reasonable to conclude from the facts available that although sentencing policies were changing throughout Australia, the Work Order Scheme acted as a catalyst for this change in Tasmania in that it provided an alternative means to the courts for the disposal of offenders.

Given that an Australia-wide change in sentencing policy seemed to have occurred, the individual contributions made by this apparent national change in sentencing policy and the introduction of the Work Order Scheme in reducing Tasmania's prison population cannot readily be determined. On the basis of the evidence reviewed, however, it would appear that the introduction of the Work Order Scheme at least played some significant part.

Support for this view is found in the Controller of Prisons Annual Reports of 1972 and 1973 -

Two factors are considered responsible for the decrease in prison population:-

- (a) An increase in remission for good behaviour; and
- (b) The introduction of new legislation providing for

Saturday work attendance in lieu of a prison sentence in certain cases.

(Controller of Prisons Annual Report, 1972, p.3)

In the following year -

This is the second successive year in which a decrease in the daily average of prisoners held has been recorded and this has almost certainly resulted because of the introduction of the Saturday work attendance legislation.

(Controller of Prisons Annual Report, 1973, p.3)

A reduction in the size of the prison population had been achieved and this was, rightly or wrongly, held to be due to the introduction of the Work Order Scheme. If, however, the scheme had proved too expensive or troublesome to operate its continued existence might have been thrown into some doubt.

The next section of this evaluation deals with the operation of the Work Order Scheme.

PART III

ANALYSIS OF THE OPERATION

of the

WORK ORDER SCHEME

limited resources in terms of finance and manpower had an important influence on the manner in which the Work Order Scheme was formulated. Given these limitations, flexibility in the operation of the scheme became almost a necessity. The scheme was nevertheless an alternative to imprisonment and, as such, certain operational standards had to be maintained if work orders were to be seen by the courts and the community as a viable alternative sanction.

This section of the evaluation examines the operational aspects of the Work Order Scheme in terms of the performance of offenders on the scheme and the factors within the scheme itself which affected performance.

There are few precedents as to the acceptable levels of operation for schemes of this nature.

The British Community Service Order Scheme, introduced experimentally in six Counties in 1973, operates on a very flexible attendance system whereby offenders sentenced to the scheme arrange their periods of work in consultation with their supervisor. The maximum sentence of 240 hours (30 eight-hour days) must however be completed within a 12-month period. This flexible attendance arrangement makes attendance rates an inappropriate measure in relation to the operation of the scheme.

An evaluation by Pease, et. al. (1975) used as a criterion of operational success or failure "unsatisfactorily terminated" which, in the study referred to, represented 27.1% of the 421 orders completed. The fact that "unsatisfactorily terminated" was not defined makes it difficult to gauge the actual performance of offenders on the scheme and the reasons for breakdown. Presumably the term was used in

reference to persons taken back to court and breached for failure to carry out the requirements of their order. However, it may also have referred to persons on orders who committed further offences. The meaning of the term remains unclear.

In contrast to the British Community Service Order Scheme, the Victorian Attendance Centre programme, which was introduced in 1976, operates on an extremely rigid attendance system. Offenders are required to attend two evening sessions per week as well as undertake community work every Saturday. Attendance at each session is compulsory and only illness is accepted as a legitimate reason for absence. In such cases, a medical certificate must be produced. The Victorian Attendance Centre programme is based on an elapsed time rather than days-worked sentence whereby an offender may be sentenced by the courts for a minimum of one month up to a maximum of 12 months. The programme does not allow for any flexibility in the times in which an offender may complete the requirements of his order. The times specified by the supervisor, which are the same for all attendees, must be adhered to and there is no provision for absence with permission nor any way in which time lost can be made up.

An unpublished report by Forster on the first year of operation of the Attendance Centre programme in Victoria indicates that 19, or 10.4%, of the 182 offenders placed on the programme during the first 12 months of its operation were breached for non-compliance. The incidence of breaching forms the basis of the "breakdown" rate. No figures for average weekly attendance nor measure of conduct are given in the report. However, the inflexibility of the attendance requirements would no doubt have affected the attendance figures - presumably making them fairly high.

The programme of Periodic Detention introduced into New South Wales in 1971 cannot really be considered as an alternative to imprisonment and is more a modification of imprisonment involving weekend imprisonment from Friday evenings to Sunday afternoons. As such, the programme bears little resemblance to the Tasmanian Work Order Scheme. The levels of breakdown considered acceptable for such a scheme may, however, give some indication as to the acceptable limits for breakdowns.

A report prepared by the New South Wales Department of Corrective Services (1974) showed that 13, or 15.3%, of the 85 offenders sentenced to periodic detention failed on the programme in one of three ways -

- 8 persons (9.4%) were convicted of further offences committed while on the programme;
- 3 persons (3.5%) breached house rules which resulted in a court conviction;
- 2 persons (2.4%) committed further offences and breached house rules.

Inherent differences in the correctional programmes mentioned above make any direct comparisons in operational success or failure somewhat unreliable. Similarities between the programmes do, however, allow for loose comparisons in an attempt to gauge levels of performance which are considered to be operationally acceptable.

The nature of the Work Order Scheme, flexible in operation and involving a loss of leisure rather than liberty, brings to light a number of different criteria on which the operation of the scheme may be assessed. These include the attendance of offenders on the

scheme, their diligence at work, and breakdowns resulting in the offender being returned to court for failing to comply with his instructions.

In this section of the evaluation, the performance of work order employees as related to each of the variables listed above is examined over a six-month period. The analysis is based on the attendance and conduct of the employees in a variety of conditions. It examines differences in attendance and conduct between the various administrative regions; differences in attendance and conduct between the various types of projects; the effect of the weather on attendance; and the effect of breaching an employee for non-compliance with work order instructions on the attendance of the other employees in the region.

By analysing the effect of different conditions on attendance and conduct, the means by which these conditions can be varied to improve performance can be determined and, on the basis of this, recommendations can be made to improve the future operation of the scheme.

METHOD

The operation of the Work Order Scheme was studied over a period of six months from the first week in April 1975, up to and including the last week in September 1975. This involved a weekly review of the various projects within each of the five regions, and an assessment of the performance of each of the employees assigned to the different projects within each region. The length of the study period was based on the maximum number of 25 days' work that can be given for any one offence. Taking into account that work order employees usually completed one day of work per week, a six months'

observation period would allow for a complete coverage of those given the maximum 25 days of work, and others given a lesser number from the time they were sentenced until the time they completed the sentence. This complete coverage was not possible, however, for all the work order employees observed. At the time the study began, some had already partially completed their order, others were sentenced during the observation period, some finished their sentence, and some were still current at the end of the observation period.

Weekly or fortnightly reports were forwarded from the Regional Offices by the Senior Probation Officers, who were the work order administrators for each region.

Every work order employee was accounted for each week according to the project to which he was allocated, his attendance or reason for absence, and his conduct while on the project.

Any employee who absconded was classified as absent without leave while efforts were made to contact him. Once it was established that he had, in fact, absconded, he was classified as such, and dropped from further weekly analyses. Employees who were remanded in custody were classified as being in custody each week until sentenced, and an employee sentenced to a term of imprisonment was classified as being in custody during the week in which he was sentenced then dropped from subsequent weekly analyses. If an employee who had been sentenced to prison completed the sentence during the observation period and returned to finish his work order, he was again included in the analyses.

Only male employees were included in the study. It was considered that the small number of females involved, 3 out of 454, together

with the difficulty of finding suitable work for them would cloud rather than clarify the issue.

The study involved a total of 451 male work order employees working on 30 projects in five regions throughout the State.

VARIABLES CONSIDERED:

Attendance -

All work order employees were accounted for each week as either present, absent with permission or absent without leave.

The classification of absent with permission was further subdivided to include the various reasons where permission was granted for absence from a project. The sub-categories used were: working for employer, sickness, personal reasons, project suspended, administrative error, and other.

(a) Working for employer: An arrangement could be made between the work order employee, his usual employer, and the regional administrator to allow for the employee to be stood down for one or more weeks in order to carry out additional work at his usual occupation. This was particularly relevant for seasonal workers such as fruit-pickers and farm labourers, and workers on construction sites where contract deadlines had to be met.

(b) Sickness: In cases of sickness, a doctor's medical certificate was generally required.

(c) Personal reasons: Permission was generally granted for absence from a project if an employee was experiencing

domestic problems, such as when the wife had deserted and left the children behind, or the wife was ill or hospitalised. Other examples of the types of personal reasons given were the imminent birth of another child, attendance at funerals or weddings, etc.

(d) Project suspended: The suspension of a project could have been due to a public holiday, lack of materials, or unsuitable weather for a particular type of work project. In some cases, the supervisor was ill, had gone to hospital, or was otherwise unavailable for the day. The criterion used for a project suspended classification was that the suspension had to be initiated by either the administrator or supervisor rather than by the work order employee himself.

(e) Administrative error: Errors of an administrative nature included cases where the instructions for attendance were not delivered, arrived too late, or were incorrect.

(f) Other: A sub-category of "other" covered any residual reason for absence with permission. These included employees being stood down while taking annual leave from their usual occupation, attendance at an intensive training course in another region, and absence due to transport difficulties. The latter was particularly relevant to the Hobart region, where the collapse of the Tasman Bridge added a burden to travelling across the Derwent River.

The classification of absent without leave was sub-divided to give a more detailed analysis of the reasons for absence without permission. The sub-categories used were: absconding, in custody, non-compliance,

and other.

(a) Absconding: Contact could be lost with a work order employee after he shifted residence and failed to notify or maintain contact with the Probation Service. The move was usually inter-State.

(b) In custody: This classification was used where an employee was being held in legal custody either on remand pending a Court appearance or sentenced for an offence.

(c) Non-compliance: Employees who did not attend, and could give no satisfactory reason for failing to do so were included in this classification.

(d) Other: A sub-category of "other" covered any residual reason for absence without leave - usually where some reason unacceptable to the administrator was given for non-attendance.

Conduct -

The conduct of each work order employee who attended his project was rated each week as either excellent, satisfactory, or poor.

(a) Excellent: An excellent conduct rating was given in cases where the employee received a high commendation from the supervisor.

(b) Satisfactory: If the employee received neither an unfavourable nor an excellent report from the supervisor, his conduct was classified as being satisfactory.

(c) Poor: The conduct of an employee was classified as

poor for such reasons as late arrival, early departure, lack of diligence in the work performed, insolence towards the supervisor, returning to work drunk after the lunch break, or for any other unfavourable comment made by the supervisor.

The Projects -

The work order projects throughout the State were classified into one of three categories.

(a) Individual Assistance Projects: This project classification covered projects where work order employees worked on a one-to-one basis for a pensioner. Because of the very large number of Individual Assistance Projects undertaken throughout the State (about 60-70 each week) and the fact that each involved only one offender, all projects of this type were grouped in a geographic area and counted as a single project. This gave a total of seven Individual Assistance Projects for the State.

(b) Personal Group Projects: Projects of this nature involved two or more work order employees working for a group of people, such as at geriatric units, sheltered workshops, hospitals, or children's homes.

(c) Impersonal Group Projects: This classification was used where two or more work order employees worked on a project which was not directly involved with other people. Projects in this category included cleaning vegetation from pioneer cemeteries, working on Council reserves, cleaning Canine Defence League kennels, and the construction of a railway museum.

The project type thus classified, was used as a variable to check for differences in attendance and conduct.

The Weather -

The weather was monitored to test for any effect it may have had on attendance. It had been suggested by the administrators and others involved in the scheme that, contrary to what may be expected, unfavourable weather conditions resulted in higher attendances. The reason for the higher attendances was considered to lie in the usual practice of dismissing the employees after half an hour to an hour when the weather was unsuitable for work. Those employees who reported for duty were, however, still credited for a full day's work.

Court Breaches -

Court breaches for non-compliance with work order instructions were also monitored to check for any influence on the attendance of other work order employees in the region.

RESULTS AND DISCUSSION

Due to the many inter-related points which warranted detailed development in this section of the evaluation, the results and discussion have been combined for ease of reference.

REGIONAL DISTRIBUTION OF WORK ORDER SENTENCES:

Work order sentences were not distributed between the regions in the same proportions as the State population, as shown in Table 6.

Whereas the Hobart region contained 47.3% of the State population, it had 57.2% of the work order employees. On the other hand, 27.1%

Table 6. Regional distribution of the work order employees and Tasmania's population.

Region	Non-work-orders		Work orders		Total	
	Number	Per-centage	Number	Per-centage	Number	Per-centage
Hobart	189,642	47.3	258	57.2	189,900	47.3
Launceston	108,882	27.1	68	15.1	108,950	27.1
Devonport	47,289	11.8	61	13.5	47,350	11.8
Burnie	42,601	10.6	49	10.9	42,650	10.6
West Coast	12,735	3.2	15	3.3	12,750	3.2
Total	401,149		451		401,600	

$$\chi^2 = 34.80; \text{d.f.} = 4; p. < .001$$

of the State population was living in the Launceston region, but the region had only 15.1% of the work order employees. In the other regions, the proportion of work order employees relative to the proportion of the State population was fairly evenly balanced.

A test for differences in the regional distribution of offenders sentenced to work orders showed that this difference was statistically significant.

$$\chi^2 = 34.80; \text{ d.f.} = 4; p < .001$$

STATE OVERVIEW:

Two types of analyses were used to examine the performance of employees on the scheme with regard to attendance and conduct.

The first analysis dealt with the number of work order employees who defaulted in any way during the observation period. It involved an examination of how many and what proportion of the employees defaulted through absconding, non-attendance, or were in custody; thus providing a general overview of the proportion of breakdowns and the performance of individuals on the scheme during the period of observation. The second analysis dealt with the average weekly performance of the employees on the scheme over the 26-week observation period.

Proportion of breakdowns -

In the first analysis, an account is given of the number of individuals who defaulted in any one of a number of categories. If an individual defaulted, he was counted only once in the appropriate category, irrespective of the number of times he defaulted in this manner.

Table 7. The percentage and number of employees involved in the 26-week work order study who began, completed, were AWOL, absconded, returned from absconding, spent time in custody, were breached for failing to comply with their work order instructions, and received excellent and poor conduct reports. The figures for the five Regions and the State as a whole are shown.

Region	Hobart	Launceston	Devonport	Burnie	West Coast	State total
Number involved	(258)	(68)	(61)	(49)	(15)	(451)
Began work orders	62.8% (162)	60.3% (41)	39.3% (24)	53.1% (26)	20.0% (3)	56.8% (256)
Completed work orders	41.1% (106)	38.2% (26)	41.0% (25)	42.9% (21)	60.0% (9)	41.5% (187)
AWOL	42.3% (109)	45.6% (31)	59.0% (36)	28.6% (14)	26.7% (4)	43.0% (194)
Absconded	6.2% (16)	2.9% (2)	8.2% (5)	4.1% (2)	-	5.5% (25)
Returned	2.3% (6)	1.5% (1)	-	4.1% (2)	-	2.0% (9)
Custody	9.7% (25)	16.2% (11)	4.9% (3)	4.1% (2)	-	9.1% (41)
Breached	-	4.4% (3)	1.6% (1)	4.1% (2)	6.7% (1)	1.6% (7)
Excellent conduct	29.5% (76)	33.8% (23)	-	32.7% (16)	13.3% (2)	25.9% (117)
Poor conduct	19.4% (50)	23.5% (16)	14.8% (9)	12.2% (6)	6.7% (1)	18.2% (82)

The results of this analysis are shown in Table 7. During the observation period, a total of 451 employees were involved in the scheme, and of that number, 56.8% began, and 41.5% completed their work orders. Five-point-five percent absconded, while 2% returned from absconding. (It should be noted that those who returned from absconding may not have absconded during the period of observation, and indeed, most had absconded a considerable time beforehand). Forty-three percent were absent without leave at least once, 9.1% spent some time in custody - either on remand, or after sentencing, and 1.6% were taken back to Court and convicted for breaching their work order instructions. Of the total number of employees, 25.9% received at least one excellent conduct report, and 18.2% received at least one poor conduct report. The results of each of the performance categories listed above are also shown for the five separate regions.

Average weekly performance -

The second analysis involved an examination of the average weekly performance of the work order employees, and weekly attendance and conduct graphs are shown in Figure 9. Weekly attendance and conduct ratings are plotted, as a percentage, for all work order employees in the State. Percentages were used because of the weekly fluctuations in the numbers involved.

During the period of observation, an average of 201 individuals were involved in the scheme each week - with an average weekly attendance of 63.3%. Of the 36.7% not in

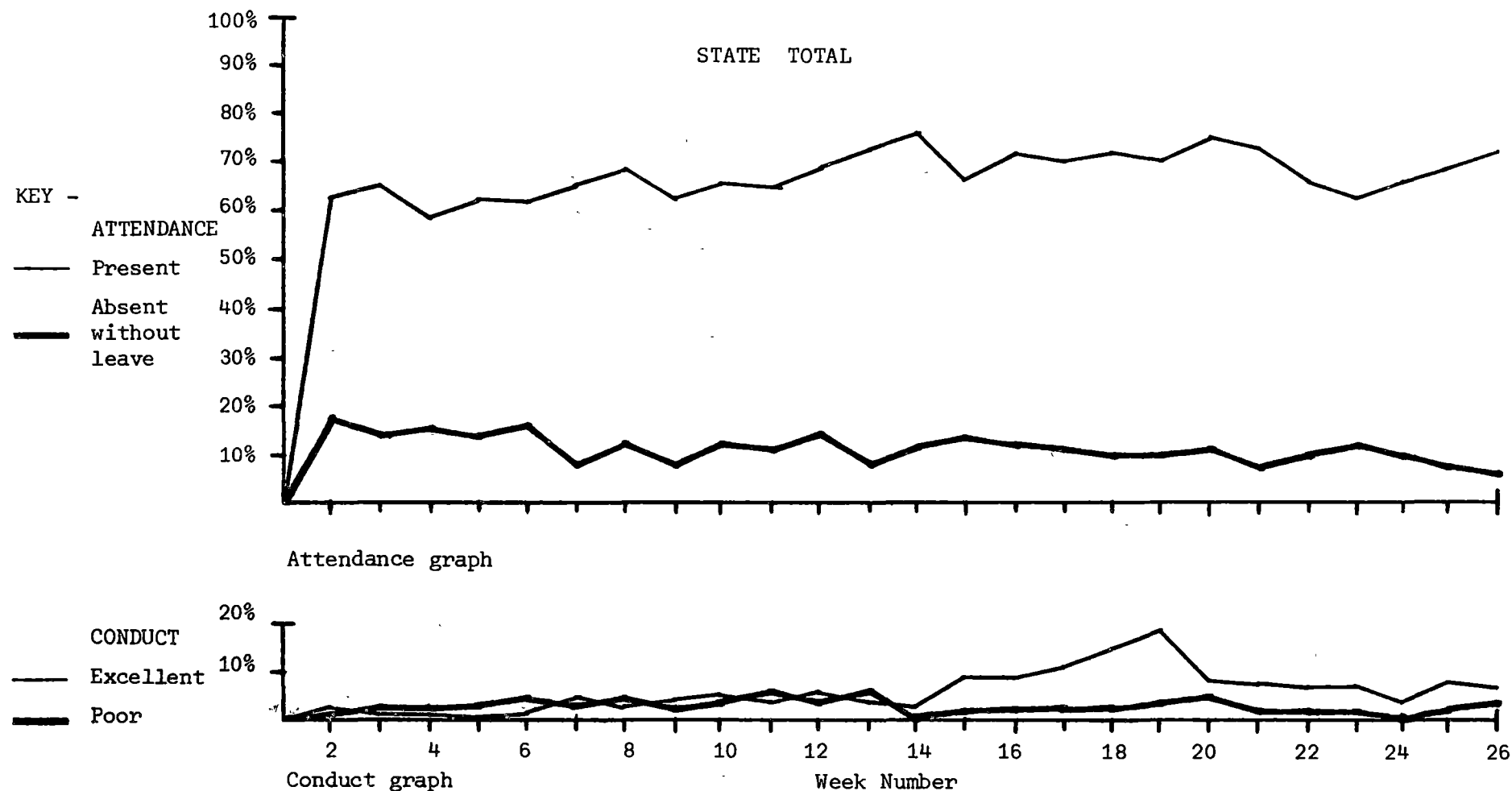


FIGURE 9. Weekly attendance and conduct graph, shown as a percentage, for work order employees in Tasmania during the 26 week observation period. Proportion present, absent without leave and issue of excellent and poor conduct reports are shown. $\bar{X}_n = 201$.

attendance, 24.4% were absent with permission, and 12.3% without permission. Excellent conduct reports were issued to an average of 5.5% of the employees per week or nearly twice the issue of poor conduct reports at 2.8% per week.

The reasons for absence, together with the average weekly proportion of individuals who were absent for any of the listed reasons, are presented in Table 8. For any absence, either with or without permission, the employee was required to return to his work project as soon as possible afterwards and was still obliged to complete the number of days work to which he had originally been sentenced.

Of those who were absent with permission, one-third or 9.1% of the average weekly total were unable to work because their project had been suspended. Project suspension ranks highest in the six sub-categories of reasons for absence with permission.

Illness also accounted for an average of almost one-third of the number who were absent with permission and represented 7.8% of the average number of employees each week.

However, this figure is loaded with the inclusion of accident victims under the illness sub-category. Some of the younger employees seemed particularly susceptible to motor vehicle accidents, which often resulted in major injuries and made the employees unfit to carry out their work orders for extended periods. In most cases of illness, medical certificates were produced, and the employee was required to resume work when he recovered.

Table 8. Mean percentage attendance and reasons for absence for all work order employees in Tasmania during a six-month period.

$\bar{X}_n = 201$

PRESENT

63.3%

ABSENT WITH PERMISSION

project suspended	9.1%
sick	7.8%
working for employer	5.0%
personal reason	1.6%
administrative error	0.5%
other	0.4%

Total

24.4%

ABSENT WITHOUT LEAVE

non-compliance	10.3%
custody	1.4%
abscond	0.5%
other	0.1%

Total

12.3%

100.0%

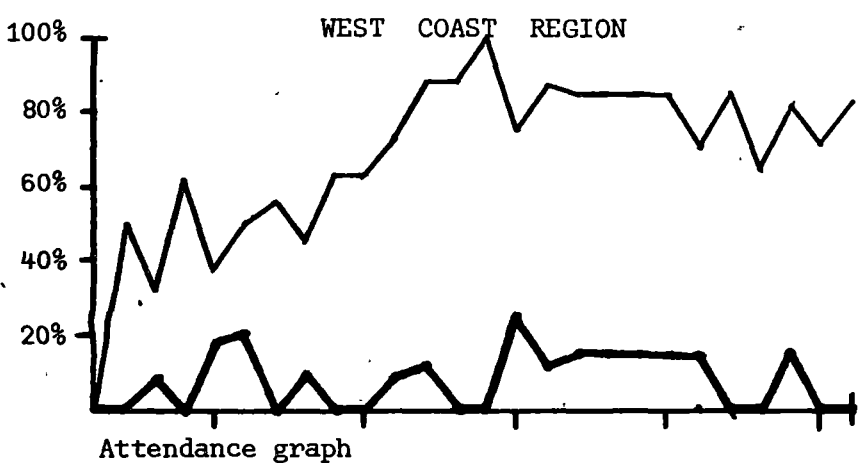
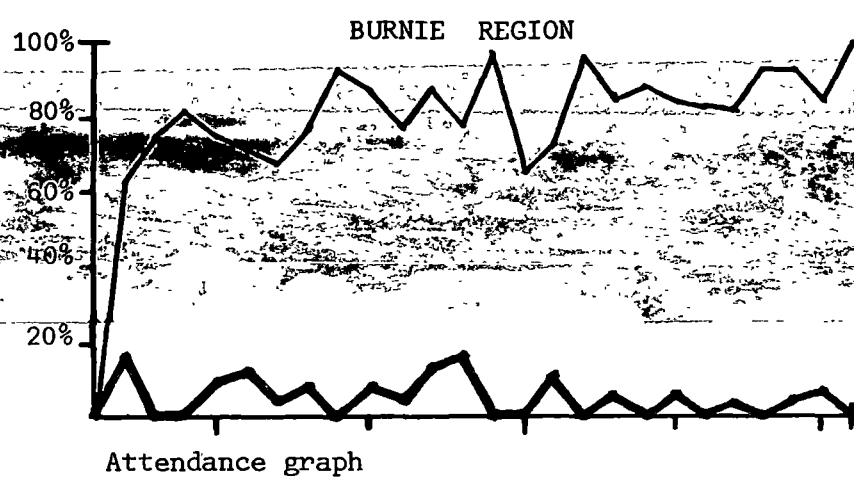
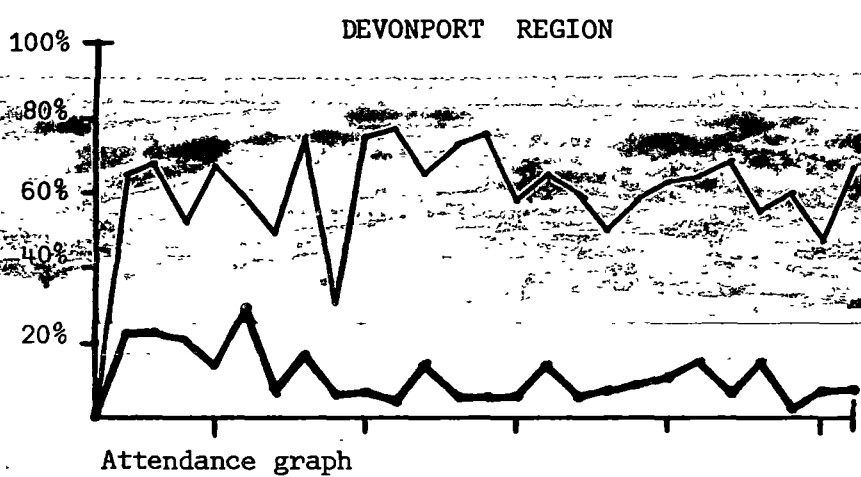
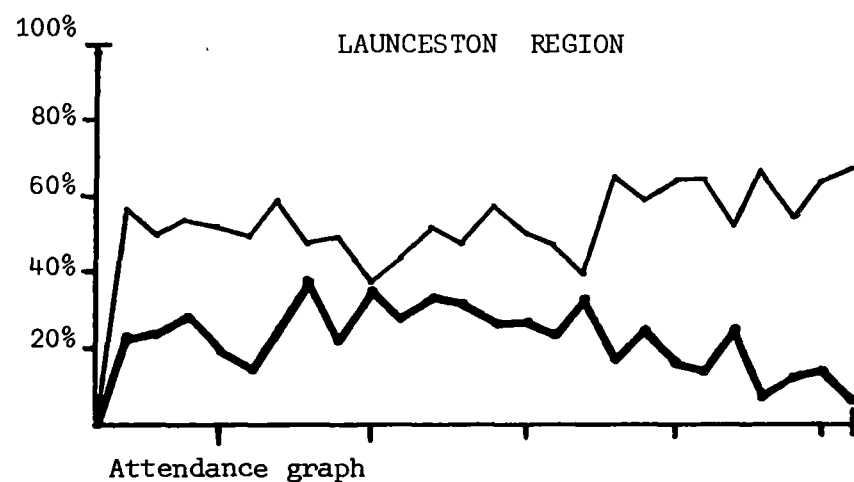
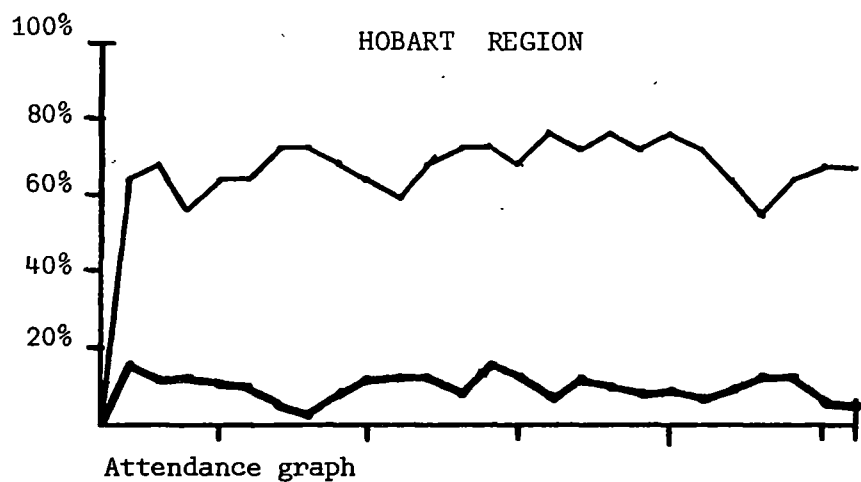
An average of 5% of the total working group were absent with permission each week while working for their usual employer. In cases where the employee was required to work overtime at his usual occupation, his employer had to contact the Regional Administrator to request leave of absence on the employee's behalf. Permission was generally granted with due consideration given to the financial standing of the employee, which was often far from healthy.

Absence for personal reasons made up a small component of the number absent with permission each week - an average of 1.6% of the total working group.

Administrative errors, resulting in absenteeism, accounted for an average of 0.5% of the employees each week, and 0.4% of the employees were absent with permission for some reason other than those already listed.

Most employees who were absent without leave were unable to give a reason for failing to report as required, and these accounted for an average of 10.3% of the employees each week. In such cases, the employee was reprimanded and warned of the consequences of continued non-compliance with the work order instructions. Any employee who repeatedly failed to comply with his instructions was taken back to Court, where he was liable to a maximum penalty of three months' imprisonment, as well as a further term of imprisonment for the original offence. (See legislation, Appendix A).

An average of 1.4% of the work order employees were in custody each week. This included those remanded in custody as



KEY - ATTENDANCE

— Present

— Absent without leave

CONDUCT

— Excellent

— Poor

FIGURE 10. Weekly attendance and conduct graphs, shown as a percentage, for work order employees in each of the five administrative regions as marked during the 26 week observation period.

well as those sentenced to a term of imprisonment. Employees sentenced to a term of imprisonment were dropped from further weekly analyses.

An average of 0.5% of the employees absconded each week, usually inter-State, and 0.1% were absent for some reason other than those listed - generally where an unacceptable excuse was offered.

REGIONAL COMPARISONS:

Comparisons were made between the regions in three ways:

- * The five variables of average weekly attendance, absence with permission, absence without permission, excellent conduct, and poor conduct reports, were compared between the regions.
- * Percentages for the above variables were combined to derive a composite figure for easier, direct comparison.
- * The overall proportion of employees who defaulted in one way or another during the observation period were compared between the regions.

On the basis of information gained from the above methods of comparison, performance was analysed in an overall sense region by region.

Average Weekly Performance -

Weekly attendance and conduct graphs for each of the five regions - Hobart, Launceston, Devonport, Burnie and the West Coast - are shown in Figures 10(a) - 10(e) respectively. Table 9 shows the

Table 9. Means and standard deviations for work order attendance and conduct for the five administrative regions and the State as a whole.

		Attendance			Conduct	
		Present	Absent with per- mission	AWOL	Excellent	Poor
Hobart region	\bar{X}	66.8	23.7	9.5	6.7	3.6
	S	14.5	17.0	3.5	5.2	2.6
Launceston region	\bar{X}	52.6	23.5	23.9	10.4	3.2
	S	13.5	16.0	9.2	11.4	4.4
Devonport region	\bar{X}	54.8	33.3	11.9	-	1.1
	S	15.7	18.6	7.0	-	2.3
Burnie region	\bar{X}	76.7	16.5	6.8	4.3	2.3
	S	18.2	18.5	5.8	7.0	4.5
West Coast Region	\bar{X}	64.8	27.8	7.4	1.4	0.5
	S	22.0	24.2	7.9	4.1	2.8
State total	\bar{X}	63.3	24.4	12.3	5.5	2.8
	S	13.6	16.0	3.6	4.3	1.8

means and standard deviations of each of the variables for each region. In Figure 11, the five variables of attendance, absence with permission, absence without leave, excellent conduct and poor conduct are shown in relation to the State mean.

The Burnie region, with the highest weekly average attendance at 76.7%, exceeded the State average by 13.4%, while the Launceston region had the lowest average weekly attendance at 52.6%, which was 10.7% below the State average. Between the two extremes, the Hobart region had a weekly attendance of 66.8% (3.5% above), the West Coast 64.8% (1.5% above) and Devonport 54.8% (8.5% below).

A similar pattern was found with regard to absence without leave (AWOL). The Burnie region had the lowest proportion of employees AWOL at 6.8% or 5.5% below the State average, while the Launceston region had the highest average proportion AWOL at 23.9% or 11.6% above the State average. In the remaining three regions, the proportion of employees AWOL was consistently below the State average with the West Coast at 7.4% (4.9% below), Hobart 9.5% (2.8% below), and Devonport 11.9% (0.4% below).

The proportion absent with permission was relatively stable between the Hobart, West Coast and Launceston regions with a range above and below the State mean of about 3%. As could be expected from the high attendance figures in the Burnie region, the proportion of employees absent with permission was again below the State average at 16.5% or 7.9% below. The Devonport region had the highest proportion of employees absent with permission at 33.3% or 8.9% above the State average.

Excellent conduct reports were issued to an average of 5.5% of the

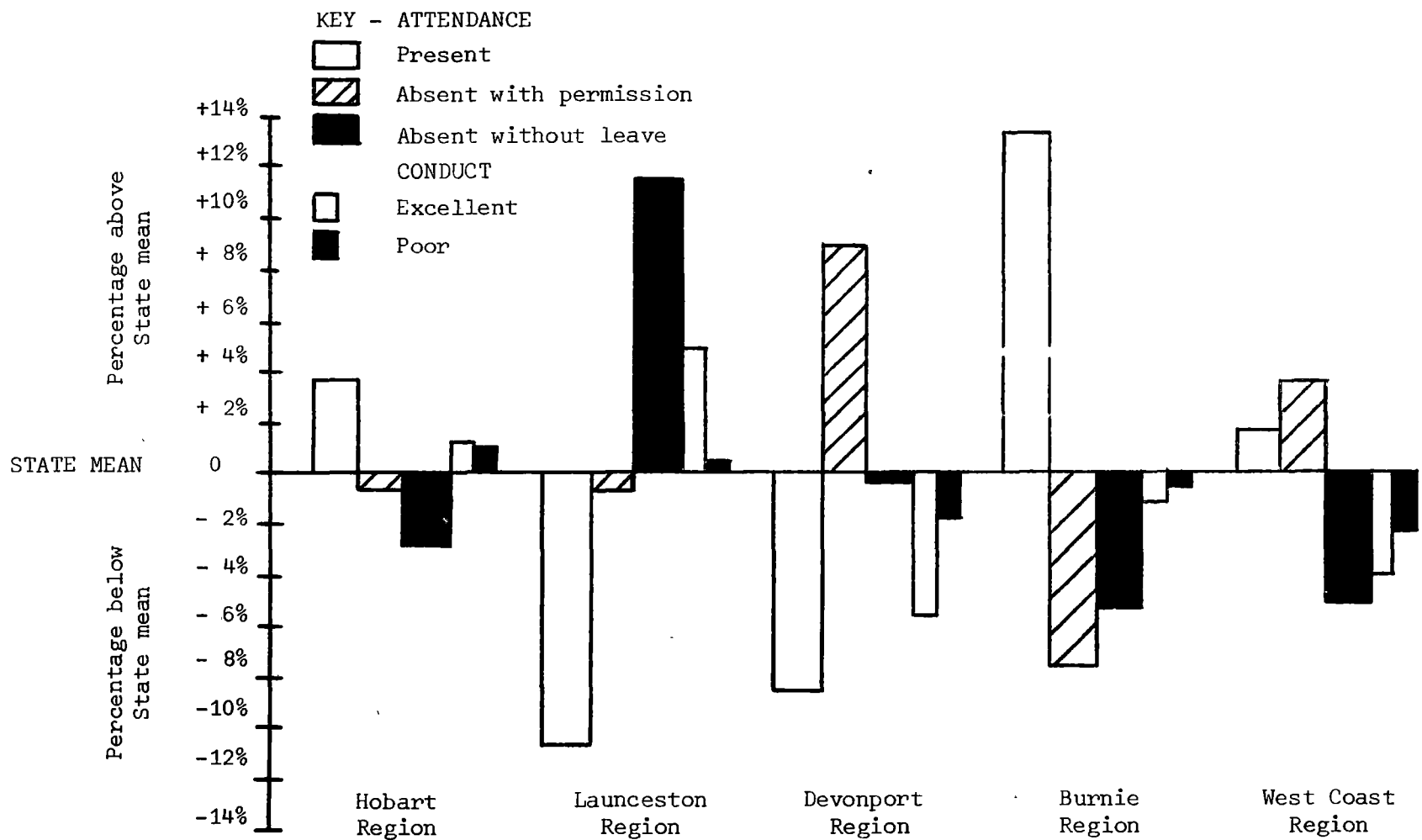


FIGURE 11. Regional differences for mean attendance and conduct presented as percentage above or below the State mean. Differences in percentage present, absent with permission, absent without leave, excellent conduct and poor conduct are shown.

employees throughout the State each week, and poor conduct reports to an average of 2.8%.

An examination of the differences between regions in the issue of excellent and poor conduct reports however, shows some seeming inconsistencies in relation to attendance. Taking both conduct and attendance as an indication of performance, it could be expected that there would be some positive relationship between the issue of excellent conduct reports and high attendances. But the Launceston region, which had the lowest average attendance and the highest average incidence of AWOL, also had the highest issue of excellent conduct reports - to 10.4% of the employees or almost double the State average. On the other hand, the Burnie region, which had the highest average attendance and the lowest incidence of AWOL, scored less than the State average for excellent conduct reports and only slightly less than the State average for poor conduct reports. Excellent conduct reports were issued to an average of 4.3% of the employees in the Burnie region compared to the State average of 5.5% and poor conduct reports were issued to an average of 2.3% compared to the State average of 2.8%.

The discrepancies between attendance levels and the issue of conduct reports for the Launceston and Burnie regions may be explained with reference to objective and subjective measures. Whereas attendance is an objective measure - either the employee is present or he is not - the frequency with which excellent and poor conduct reports are issued is dependent on the attitude of the person who issues them. It may be that the Regional Administrator for the Burnie region expected the work order employees to co-operate and did not give either good or poor conduct reports lightly. And indeed the high attendance together with the low incidence of AWOL

would seem to indicate that a fairly strict regime was practised. In comparison, the attitude of the Launceston Administrator may have been more lenient, making him more generous with the issue of good conduct reports. This "generosity" could also have been related to the relatively poor attendance for the region. When an employee turned up for a project, and with an average weekly attendance of 52.8%, it was only slightly more than every other person who did so, the comparative rarity of the event may have put the employee in a favourable position to earn a good conduct report. Any relationship between the issue of good conduct reports and poor attendance is not however evident in the Devonport region which, like the Launceston region, had attendance levels considerably below the State average. Out of a weekly average of 37 employees working on projects in the Devonport region, not one was issued with a good conduct report. Reassuringly, only 1.1% were issued with poor conduct reports.

Notable in the issue of conduct reports was a marked increase in the number of excellent conduct reports issued in the Hobart, Launceston and Burnie regions after the 14th week of observation. This increase was apparent for about six weeks and could well have been due to the effect of an interim report given by the researcher at a Conference of State Probation Officers which was attended by the Regional Administrators. The interim report included regional comparisons and appears to have boosted morale and, at the same time, increased regional competition. Each Regional Administrator seemed keen to have his region "look good" in relation to the others.

Attendance of course is not as easily influenced by increased motivation but the subjective conduct reports can be more readily in-

fluenced and apparently were. Only one region recorded a significant increase in attendance following the interim report and this was after a three-to-four week delay. The increase, of about 10% in the Launceston region, was matched by a decrease in the proportion of employees AWOL and both levels remained fairly constant for the rest of the observation period. Taking into account Launceston's poor performance in relation to the other regions, the interim report may well have led the Regional Administrator to take steps to improve attendance in the region. The three-to-four week delay may be explained in terms of the time it took to implement these measures.

Direct Regional Comparisons -

Using the five variables listed as a measure of the operation of the scheme in each region assures accuracy in specific details but does not make for ease of comparison in an overall sense. While performance on each of the variables can be itemised, difficulties arise when ranking the different regions with regard to operational "success" thereby gauging which region is "best", which is "worst" and possible explanations for this success or lack of it.

To facilitate such comparisons, each region was given a "rating" based on the average weekly attendance minus the average weekly AWOL over the 26-week study period. The regional rate thus derived provided a means by which the regions could be compared directly. It provided a figure which balanced the defaulters with the non-defaulters.

The rates, calculated on the basis of the above formula, are shown in Table 10, and range from 69.9 for the Burnie region to 28.7 for the Launceston region. An analysis of variance testing for regional differences is significant at the .05 level.

Table 10. The rank order of administrative work order regions according to their Rate (% attendance minus % AWOL) and the result of the analysis of variance.

Percentage attendance and AWOL and the Score (% attendance minus % AWOL plus % excellent conduct minus % poor conduct) and the result of the respective analyses of variance are also shown. For comparison purposes the State mean is also presented.

Region	Rate	Attendance	AWOL	Score
Burnie	69.9	76.7	6.8	70.6
West Coast	57.4	64.8	7.4	58.3
Hobart	57.3	66.8	9.5	60.4
STATE MEAN	50.9	63.3	12.3	52.8
Devonport	42.9	54.8	11.9	39.8
Launceston	28.7	52.6	23.9	31.1
F	3.11	3.41	2.71	2.28
d.f.	4/29	4/29	4/29	4/29
p.	<.05	<.05	<.05	>.05 n.s.

$$F = 3.11; \text{ d.f.} = 4/29; \text{ p} < .05$$

Table 10 also gives the regional figures for percentage attendance and percentage AWOL, and the results of an analysis of variance for the two variables both of which are significant at the .05 level.

Attendance:

$$F = 3.41; \text{ d.f.} = 4/29; \text{ p} < .05$$

AWOL:

$$F = 2.71; \text{ d.f.} = 4/29; \text{ p} < .05$$

A regional "score" was calculated to provide another means of direct comparison. The formula used for the regional score combined the objective attendance figures and the subjective conduct figures in the following way : percentage attendance, minus percentage AWOL, plus percentage excellent conduct, minus percentage poor conduct. However, uneven assessment of conduct together with the subjective nature of the conduct reports generally and the extraneous factors which influenced their issue, throws considerable doubt on the reliability of this measure.

The use of the regional score as a means of comparison made little difference to the rank ordering of the regions but it did compress some of the inter-regional differences so that the analysis of variance was not statistically significant.

$$F = 2.28; \text{ d.f.} = 4/29; \text{ p} > .05; \text{ not significant}$$

Defaulting -

The third method of comparison between the regions was based on the proportion of employees who defaulted in one way or another during

the observation period. The results of this comparison are shown in Table 7. In most measures, the West Coast region had the lowest proportion of employees who defaulted. The small numbers involved, however (15), tend to make the West Coast figures somewhat unreliable for comparative purposes. Bearing this in mind, the West Coast had the lowest proportion of employees who defaulted through absence without leave (26.7%) while the Devonport region had the highest proportion of employees AWOL at one time or another (59%). The proportion of employees AWOL at one time or another in Burnie, Hobart and Launceston was 28.6%, 42.3% and 45.6% respectively. This compares with a figure of 43% for the State as a whole.

None of the 15 employees in the West Coast region absconded. In the other regions, 2.9% absconded in Launceston, 4.1% in Burnie, 6.2% in Hobart and 8.2% in Devonport. The figure for the State as a whole was 5.5%.

Similarly none of the employees in the West Coast region spent time in custody while completing their work orders. This compares with 4.1% in Burnie, 4.9% in Devonport, 9.7% in Hobart and 16.2% in Launceston. The proportion of employees who spent time in custody throughout the State was 9.1%.

Once again, the small number of employees involved in the West Coast region meant that although only one person was breached for non-compliance with work order instructions the proportionate weighting of that one person gave the highest breaching rate of all the regions at 6.7%. The Hobart region, which was responsible for more than half the work order employees throughout the State, had no breaches and in the Devonport region, 1.6% of employees were breached. In the Burnie and Launceston regions, the proportion of employees

breached was 4.1% and 4.4% respectively. The proportion of employees breached for the State as a whole was 1.6%.

Overall Regional Performance -

The regions have so far been compared in terms of the average weekly performance; in a direct sense on the basis of a derived formula; and in terms of the incidence of defaulting. Although not consistent throughout, the measures of performance do appear to show some regions as having higher levels of performance than others.

Burnie and the West Coast:

In Table 10 it can be seen that the Burnie and West Coast regions scored the highest and second highest levels of attendance. It is therefore hardly surprising that these two regions had the highest and second highest rates (percentage present minus percentage AWOL). Not only was the average weekly performance better in the two regions but, as shown in Table 7, the proportion of employees whose performance was unsatisfactory at one time or another, was also generally lower than for the State as a whole. Combining the two regions into the one unit, the proportion AWOL was 28.1% compared to 43% for the State; the proportion of employees who absconded was 3.1% compared to 5.5% for the State; the proportion of employees who spent time in custody was 3.1% compared to 9.1% for the State; and the proportion of employees who received poor conduct reports was 10.9% compared to 18.2% for the State. Further, the proportion of employees who received excellent conduct reports was 28.1% compared to 25.9% for the State.

On only one count, in the matter of breaching, was performance considerably poorer than in the other regions. Combining the breach-

ing figures for the two regions, 4.7% of the employees were breached for failing to comply with their work order instructions compared to 1.6% for the State as a whole.

Hobart:

The Hobart region - third in rank order as measured by the rate - had the largest proportion of the work order force at 57.2% or 259 of the employees.

In Table 10, it can be seen that the average weekly attendance of 66.8% in the Hobart region was above the State average, and the average weekly incidence of AWOL at 9.5% was below the State average. As a result, Hobart's rate at 57.3 was 6.4 above the figure for the State as a whole.

When performance is examined in an overall sense as shown in Table 7, the performance of employees in the Hobart region was fairly consistent with the State average, no doubt partly due to the disproportionate influence of the region on the State mean due to the number of employees involved. The proportion of employees AWOL at one time or another at 42.3% was marginally less than the State's 43.0% and on the other measures: 6.2% absconded compared to 5.5% for the State; 9.7% spent some time in custody compared to 9.1% for the State; 19.4% received good conduct reports compared to 18.2% for the State; and 29.5% received excellent conduct reports compared to 25.9% for the State. It is worth noting that not one employee in the Hobart region was breached for failing to comply with his work order instructions compared to 1.6% for the State as a whole.

Devonport:

The rate as an indicator of performance was second lowest in the Devonport region at 42.9 or eight points below the State mean.

Notable in the Devonport region was the high level of absence with permission running at a weekly average of 33% or 9% above the State average. This high level of absence with permission can be attributed to two unique factors operating in the region:

- (a) the number of employees who were involved in motor vehicle accidents which resulted in serious injuries. Motor accidents were fairly common amongst employees in the Devonport region and the injuries sustained made a number of the employees unfit for work for extended periods;
- (b) The number of labour intensive projects in the area. Many of the projects in the region were of this type and in cases where the supervisor was not available, the project had to be suspended. This resulted in a large proportion of the work force being stood down until the supervisor was once again available.

The combination of these two factors produced the seemingly contradictory attendance figures for the region. On the one hand, as shown in Table 10, the average weekly level of AWOL at 11.9% was 0.4% below the State mean, but on the other hand, the weekly attendance at 54.8% was also below the State mean. In the latter case by a much larger amount (8.5% below). It could be expected that a relatively low level of AWOL would lead to higher attendance figures in the region but this was not the case and Devonport's low rate

was largely attributable to low attendances. As explained above these low attendances were, in many cases, apparently unavoidable.

The results in Table 7 show that a fairly large proportion of the employees in the region (59%) were AWOL at least once during the observation period compared to 43% for the State. It should be noted however that many of the employees who absented themselves without leave did so relatively infrequently and this is borne out in a comparison of the proportion of employees AWOL at one time or another (59% or 16% above the State as a whole) compared to the average weekly level of AWOL (11.9% or 0.4% below the State average).

Only one person (1.6% of the employees) was breached for failing to comply with his work order instructions, and only 4.9% spent some time in custody compared to 9.1% for the State as a whole. However, the proportion of employees who absconded in the Devonport region was considerably higher than for the State (8.2% compared to 5.5%). No excellent conduct reports were given and 14.8% of the employees received poor conduct reports.

Launceston:

The Launceston region, with its low weekly attendance (52.6%) and high weekly level of AWOL (23.9%) had the lowest rate of all five regions at 28.7. The average weekly attendance for the State as a whole was 63.3% and the average weekly level of AWOL for the State was 12.3%.

Despite Launceston's high weekly level of AWOL however, the proportion of employees AWOL throughout the observation period at 45.6% was only 2.6% above the figure for the State as a whole. This would imply that the relatively low proportion of employees who did

go AWOL remained absent for extended periods.

In other aspects of performance, the proportion of employees in custody at one time or another in the Launceston region at 16.2% was almost double the figure for the State as a whole at 9.1%. Further, the proportion of employees breached in the region at 4.4% was two-and-a-half times that for the State as a whole at 1.6%.

On the positive side however, Launceston had both a high proportion of excellent conduct reports and a high weekly average of excellent conduct reports. But this was offset by a similarly high proportion of poor conduct reports and a high weekly average of poor conduct reports. The proportion of employees who absconded in the Launceston region at 2.9% was about half the figure for the State as a whole at 5.5%.

The reliability of the subjective conduct reports has been dealt with earlier, so that on most objective measures other than absconding, performance in the Launceston region was consistently below the performance for the State as a whole.

Possible Reasons for Differences in Performance -

The marked differences in performance in the different regions, and particularly in terms of the operating rates (percentage present minus percentage AWOL) warrant some explanation.

Paid Supervisor:

In some regions a paid supervisor visited the various projects once or twice each working day checking on progress and dealing with any problems that had arisen. It may be that this paid roving supervisor had a positive effect on morale and subsequently on attendance.

This in turn may have resulted in a higher rate being achieved in that region.

The Burnie region, which had the highest rate, did have such a paid supervisor, but while Launceston also had a paid supervisor, it ranked lowest of all the regions in terms of its rate. The West Coast, with the second highest rate had no such supervisor, and the size of the Hobart region, together with the large numbers involved, meant that only some sub-regions or specific projects were under the control of a paid supervisor. Devonport, which had the second lowest rate, did not have a paid supervisor. It would therefore appear that there was no direct relationship between the employment of a paid roving supervisor and the regional differences as measured by the rates.

Types of Offenders:

It could be argued that the types of offenders sentenced to work orders differed between the regions, and that the regions achieving the lowest rates had received a disproportionate number of troublesome cases. As outlined in Part IV, this was not the case and the differing types of offenders were fairly evenly distributed throughout the State. Further, transferring from one region to another was not uncommon as an employee shifted residence and employment, or was convicted in a region other than that in which he lived.

The major influence on the differing performance between the regions appears to have been the type of regime established by the administrators.

The Regional Administrators:

It was considered that the attitude of the Regional Administrators

had an important bearing on the performance of employees within each region.

On the one hand, some administrators could be seen to actively support the scheme while others seemed somewhat less enthusiastic.

Assessments of the attitudes of the Regional Administrators are based on intermittent contact and discussions over the 18-month evaluation period. In all cases they are subjective judgements.

In a more objective sense however, there were definite differences in the types of regimes developed in the regions and these give some indication of how individual administrators saw the scheme.

During the evaluation period the administration of the Burnie and West Coast regions was handled by the one person who had an unofficial policy of giving one day's remission for every ten days' work satisfactorily completed.

The fact that these two regions had the highest and second highest rates and that performance on most variables compared more than favourably with the other regions, seems to indicate that this policy was effective in extracting a high performance from employees in the regions.

The unofficial policy of remissions would further seem to indicate that a more flexible and tolerant "softer-line" approach was adopted towards the employees. However, this view is not borne out by the high incidence of breaching which, combining the figures for the two regions, was 4.7% compared to only 1.6% for the State as a whole. It would therefore appear that the administration in the two regions was in fact more rigid and strict than in some of the others. Employees were encouraged to co-operate and were rewarded if they did

so with unofficial remissions. On the other hand, it would appear that little tolerance was shown to those who did not co-operate in that they were taken back to Court and breached for failing to comply with their instructions.

On first impressions it might appear that the scheme was operating most successfully in the Burnie and West Coast regions but the high proportion of employees who were breached tends to indicate that little attempt was made to coax some of the less willing and more rebellious employees through their work orders.

Whether a flexible or rigid approach is preferable can be debated. Some administrators saw their role in the field of counselling and assisting the employees in a flexible and tolerant way at the same time exacting the Court-imposed penalty. Others took the view that the Court-imposed penalty should be enforced to the exact letter of the law and with a minimum of variation from it. Arguments were and still are being raised in support of both attitudes.

The Hobart administrator was an example of the former approach and the fact that none of the 259 employees in the region was breached is evidence of his attitude.

The region had its own unique problems as a result of the large numbers of employees involved. Despite the fact that more than half the work order employees were contained in the region, there was only one paid supervisor, apart from the administrator, to act as overseer for an average of 107 employees a week. A shortage of funds contributed to the lack of adequate staffing in the region and undoubtedly the large number of work order employees involved

would have warranted the employment of several paid supervisors to maintain proper supervision. Given the staff shortage, it is perhaps a little surprising that performance in the Hobart region was not much worse and here the personal involvement and dedication of the administrator must be considered.

As well as interviewing and assessing employees, locating and developing suitable projects and project supervisors, and administering the day-to-day operation of the scheme; the Hobart Regional Administrator acted as a roving supervisor on the Eastern Shore where 30 to 40 employees were involved on projects. There were, however, no roving supervisors working on the Western Shore, New Norfolk or Channel areas, each of which involved more than 10 work order employees.

The Hobart administrator tended to coax rather than force reluctant employees through their orders relying more on persuasion than coercion by emphasising the value to others of the work being carried out.

Where persuasion failed, the administrator would persevere with the defaulter but would in this case adopt a firmer manner pointing out the consequences of continued non-compliance. These methods appear to have been relatively effective resulting in the loss of only a few employees through absconding and none through breaching. In an overall sense, performance in the Hobart region compared favourably with the other regions and on most measures was close to the State average. The regional rate of 57.3 was, furthermore, 6.4 above the State average.

Like the Hobart region, the administration of the Work Order Scheme

in the Devonport region suffered from a lack of staff. The Regional Probation Office was staffed by two probation officers who, as well as maintaining their normal case load, were responsible for the work order employees in their region. This heavy work commitment meant that little time could be given over to the development and administration of the scheme.

The inability of staff to properly administer the scheme could well account for the high proportion of employees who were AWOL at one time or another and the low breaching seems to indicate that the rigorous administration of the Burnie region was not practised in Devonport.

Because of under-staffing in the region, projects could not be developed to the same extent as they were in other regions and less time was available for the matching of employees to projects and for the administrative checking of performance. The staffing problem was further compounded by the lack of a roving supervisor for the region. Administrative difficulties no doubt had some bearing on Devonport's poor rate which at 42.8 was eight points below the State mean and the second lowest of all the regions.

The administrator who seemed to have the most negative attitude towards the Work Order Scheme was in charge of employees in the Launceston region and it is worth bearing in mind that Launceston's rate was the lowest of all the regions.

The Launceston administrator, who was soon to retire, seemed to resent the imposition of this new scheme on his established routine. He showed little imagination or initiative in the selection and implementation of projects, had little contact with the community and

displayed a denigrating attitude towards the scheme as a whole.

On most objective measures, other than absconding, performance in the Launceston region was consistently below the performance for the State as a whole and it seems that basically the Launceston Regional Administrator was neither in favour of the scheme, nor with promoting its success. He claimed that it took up too much time, time that was needed for the normal administration duties of the Regional Probation Office. The latter point was a valid one and the Launceston office, with six stipendiary probation officers, was second only in size to the Hobart office. The Launceston office was considerably larger than the probation offices in Burnie and the West Coast, which had three probation officers, and the Devonport office which had two. However, the small number of work order employees in the region - a weekly average of 27, was less than in the Devonport region, where two probation officers catered for an average of 37 employees a week. Taking into account that Launceston is the second most populous region in the State, the low number of employees on the scheme relative to the regional population as shown in Table 6, could also reflect the degree of enthusiasm with which the scheme was presented to the Court as an alternative sanction.

The quality of the administration seems to be a major factor influencing the poor performance of the Launceston region in relation to the other regions. If steps were taken to boost morale, including the proper development of new projects and the recruitment of honorary supervisors, it could be expected that the performance of employees in the region would improve.

The power of the administration to affect the operational success or failure of a scheme as illustrated in the Launceston and other

regions, is borne out by the findings of Martinson (1974) who, in an exhaustive analysis of more than 200 correctional and rehabilitation-al programmes, concluded that no one system could be shown to work any better or worse than other schemes. In some cases where significant differences were found, these differences could just as well be explained in terms of the quality of the people administering the schemes than the inherent qualities of the schemes themselves. It appeared that a system operated by "good" and "dedicated" persons had a higher success rate than those that were not. The problem here of course is a functional definition of "good" and "dedicated". Be that as it may, the denigrating, unenthusiastic attitude of the Launceston administrator, did seem to have a pronounced negative effect on the operation of the Work Order Scheme in that region.

Differing conditions in the different regions and their bearing on the scheme's operation have been considered, but they only go part way in the overall analysis of the factors affecting the scheme. The types of projects undertaken also had a bearing on performance.

PROJECT TYPE COMPARISONS:

Analyses, similar to those used in determining differences between the regions, were carried out on the three types of projects.

- * The five variables of average weekly attendance, absence with permission, absence without permission, excellent conduct and poor conduct reports were compared between the types of projects.
- * Percentages for the above were combined to derive a single measure for easier comparison.

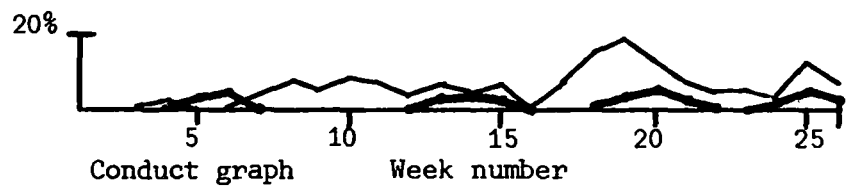
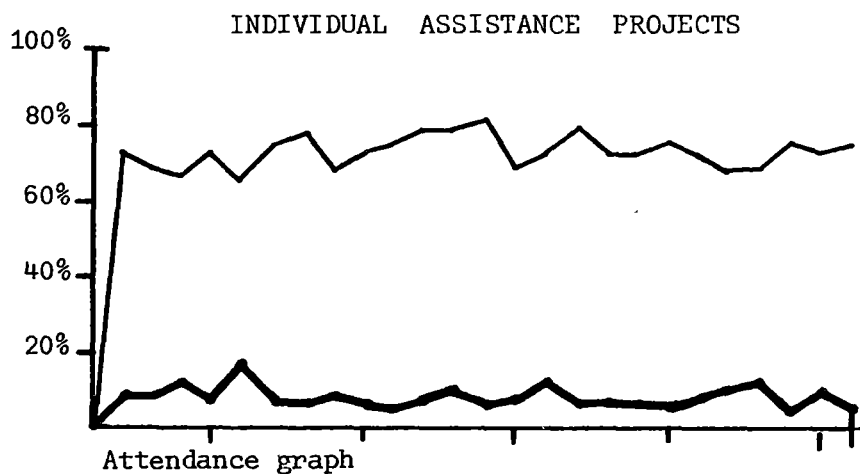


FIGURE 12(a). $\bar{X}_n = 68$

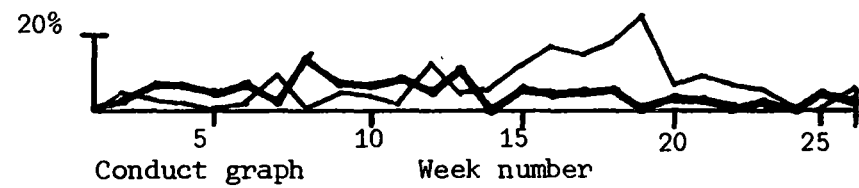
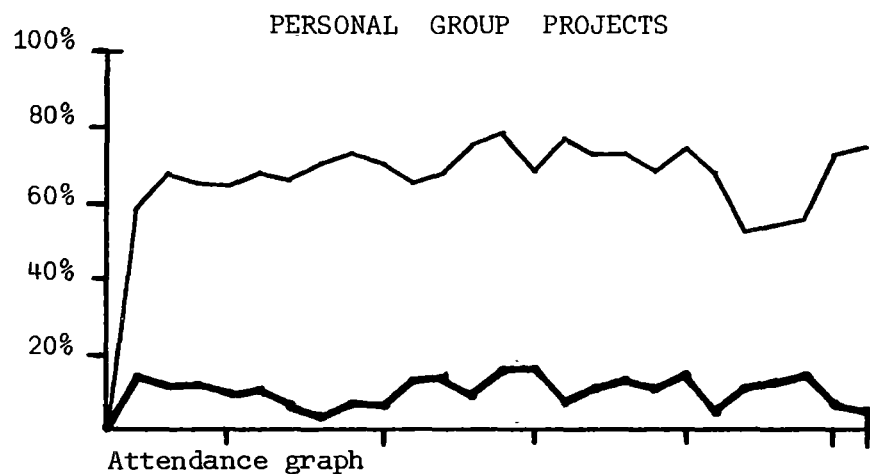


FIGURE 12(b). $\bar{X}_n = 62$

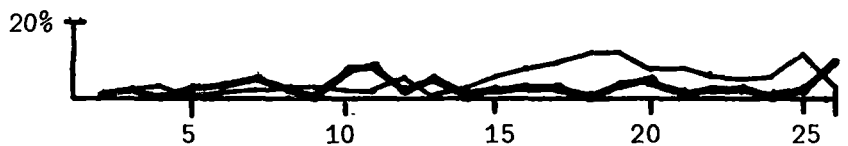
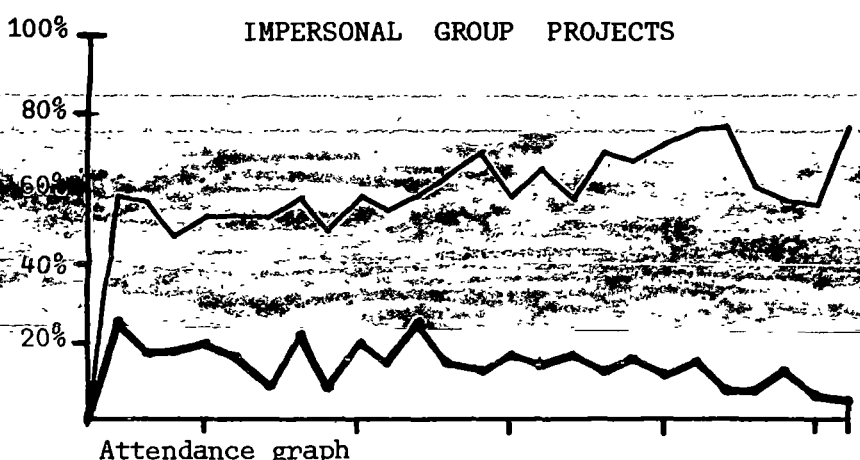


FIGURE 12(c). $\bar{X}_n = 71$

KEY: ATTENDANCE
Present
Absent without leave

CONDUCT
Excellent
Poor

FIGURE 12. Weekly attendance and conduct graphs, shown as a percentage, for work order employees assigned to each of the three types of projects as marked during the 26 week observation period.

- * The overall proportion of employees who defaulted in one way or another during the observation period were compared between the projects.

Average Weekly Performance --

The weekly attendance and conduct graphs for Individual Assistance, Personal Group and Impersonal Group Projects, are shown in Figures 12(a) - 12(c) respectively. The means and standard deviations are shown in Table 11 and a comparison of the mean results, with project differences expressed as a percentage above and below the State mean is shown in Figure 13.

Attendance on Individual Assistance Projects was considerably higher than on the other types of projects. An average of 72.5% of employees assigned to Individual Assistance Projects were present each week compared to 65.2% for Personal Group Projects and 57.3% for Impersonal Group Projects. The State mean was 63.3%.

Similarly, the incidence of AWOL was lower on Individual Assistance Projects than on the other project types. An average of 6.2% Individual Assistance employees were AWOL each week (6.1% below the State mean) compared to 11.8% for Personal Group Projects (.05% below) and 15.8% for Impersonal Group Projects (3.5% above).

Differences in the levels of absence with permission between the project types were not as marked and ranged from 21.3% for Individual Assistance Projects (3.1% below) to 26.9% for Impersonal Group Projects (2.5% above).

These findings indicate that differences in the levels of AWOL between the three types of projects had a greater influence on the

Table 11. Means and standard deviations for work order attendance and conduct for the three types of projects as marked.

		Attendance		Conduct		
		Present	Absent with per- mission	AWOL	Excellent	Poor
Individual Assistance Projects	\bar{X}	72.5	21.3	6.2	5.5	4.8
	S	14.7	16.1	3.1	4.8	1.4
Personal Group Projects	\bar{X}	65.3	22.9	11.8	6.7	6.6
	S	14.5	18.9	4.1	6.6	3.5
Impersonal Group Projects	\bar{X}	57.3	26.9	15.8	4.4	2.8
	S	14.2	16.4	6.1	3.0	4.1

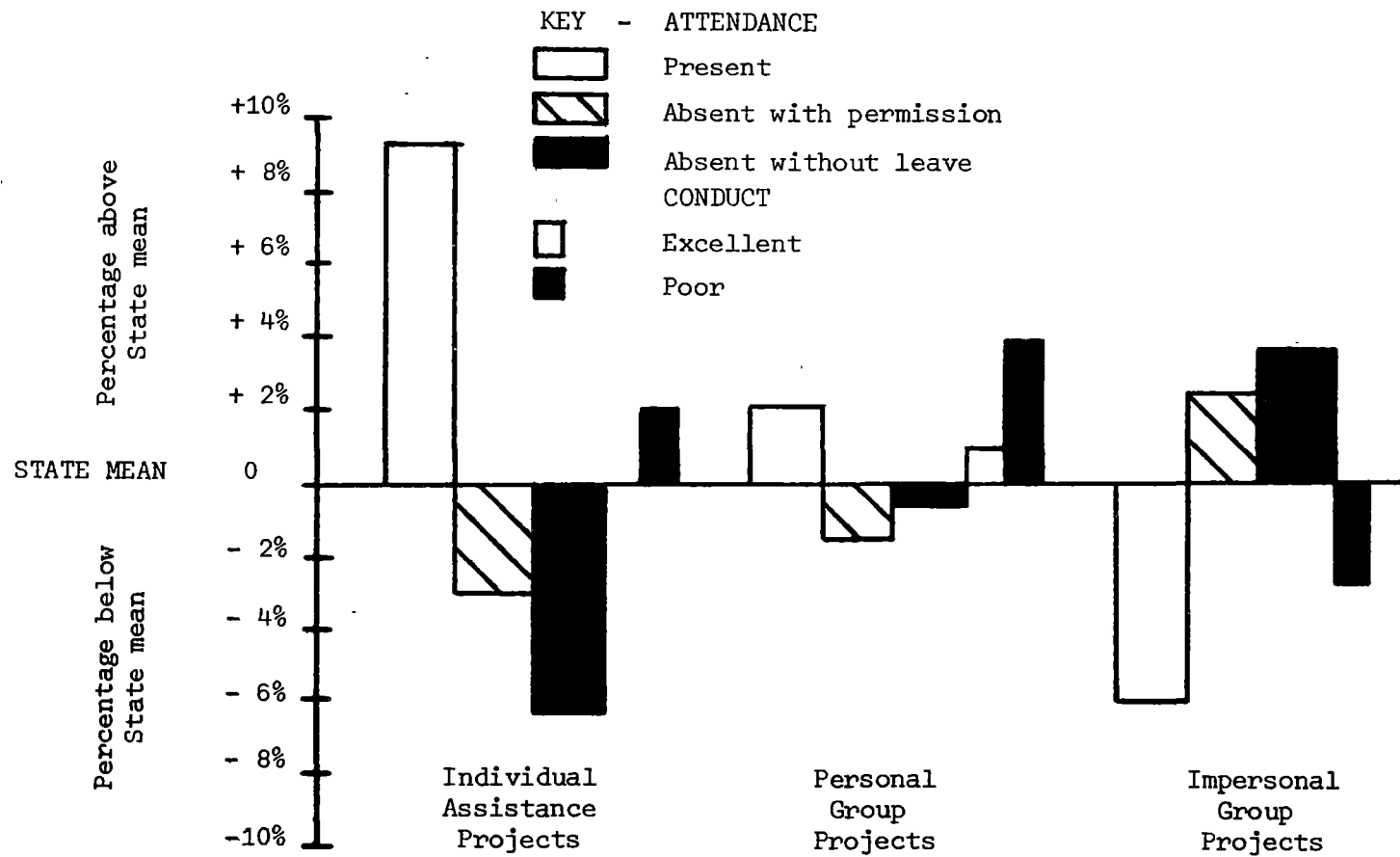


FIGURE 13. Project type differences for mean attendance and conduct presented as percentage above or below the State mean. Differences in percentage present, absent with permission, absent without leave, excellent conduct and poor conduct are shown.

differences in attendance than the proportion of employees absent with permission.

The issue of excellent conduct reports was fairly consistent between the three project types with a range of 1.1% below the State mean to 1.2% above the State mean. Excellent conduct reports were, however, issued to a higher proportion of Personal Group employees each week (6.7%) than to employees on the other project types.

In all aspects other than the issue of poor conduct reports, average weekly performance on Impersonal Group Projects was poorer than on either Personal Group Projects or Individual Assistance Projects.

Fewer employees working on Impersonal Group Projects received poor conduct reports than on Personal Group Projects or Individual Assistance Projects. The highest proportion of employees to receive poor conduct reports each week worked on Personal Group Projects (6.6%) followed by Individual Assistance Projects (4.8%) and Impersonal Group Projects (2.8%). This seeming inconsistency between, on the one hand, the poor attendances for Impersonal Group Projects and on the other, the relatively low issue of poor conduct reports may have been due to less personal contact and supervision, and lower expectations for the employees on these types of projects. The differences between subjective and objective measures must also be borne in mind.

On all objective measures, performance was best on Individual Assistance Projects with the highest average attendance, and the lowest average levels of AWOL and absence with permission.

Table 12. The rank order of types of work order projects according to their Rate (% attendance minus % AWOL) and the result of the analysis of variance.

Also shown are percentage attendance, percentage AWOL and the Score (% attendance minus % AWOL plus % excellent conduct minus % poor conduct) and the result of the respective analyses of variance. For comparison purposes the State mean is also presented.

Project Type	Rate	Attendance	AWOL	Score
Individual Assistance	66.4	72.5	6.2	71.5
Personal Group	53.5	65.3	11.8	53.6
STATE MEAN	50.9	63.3	12.3	52.8
Impersonal Group	41.5	57.3	15.8	42.9
F	3.38	4.13	1.92	3.15
d.f.	2/27	2/27	2/27	2/27
p.	<.05	<.05	>.05 n.s.	>.05 n.s.

Direct Project Type Comparisons -

To facilitate comparison of performance on the projects in an overall sense, each project type was given a "rating" based on the formula- percentage present minus percentage AWOL. Table 12 shows the rank ordering of the project types according to their rate value. The rates vary from 66.4 for Individual Assistance Projects to 41.5 for Impersonal Group Projects. An analysis of variance comparing the rates between the project types is significant at the 0.05 level.

$$F = 3.38; \text{ d.f.} = 2/27; p \leq .05$$

The results indicate that from a performance point of view, Individual Assistance Projects appear to be by far the most successful with a rate of 66.4 which is 15.5 above the State mean. Personal Group projects rank second with a rate of 53.5 (2.6 above the State mean) and lastly, the rate for Impersonal Group Projects at 41.5 is 9.4 below the State mean.

Proportion of Breakdowns -

The number of employees who defaulted in each of the project categories is shown in Table 13⁴. It can be seen that in an overall sense, the lowest proportion of employees who defaulted worked on Individual Assistance Projects. Of the number working on this type of project, only 28.1% were AWOL at one time or another compared to 46.2% for Impersonal Group Projects; 47.7% for Personal Group Pro-

4. The totals in this Table do not correspond with those for the regions listed in Table 7. This is due to the transfer of employees from one project type to another.

Table 13. The percentage and number^a of employees involved in the 26-week work order study who began, completed, were AWOL, absconded, returned from absconding, spent time in custody, were breached for failing to comply with their work order instructions, and received excellent and poor conduct reports. The figures for the three project types and the State as a whole, are shown.

Project Type	Individual assistance	Personal group	Impersonal group	TOTAL
Number involved	33.3% (164)	34.6% (170)	32.1% (158)	(492)
Began or transferred	66.5% (109)	61.8% (105)	56.3% (89)	61.6% (303)
Completed or transferred	49.4% (81)	42.9% (73)	51.3% (81)	47.8% (235)
AWOL	28.1% (46)	47.7% (81)	46.2% (73)	40.7% (200)
Absconded	1.2% (2)	7.1% (12)	7.0% (11)	5.1% (25)
Returned from absconding	1.2% (2)	1.8% (3)	2.5% (4)	1.8% (9)
Custody	6.7% (11)	10.6% (18)	7.6% (12)	8.3% (41)
Breached	1.2% (2)	1.2% (2)	1.9% (3)	1.4% (7)
Excellent conduct	28.7% (47)	26.5% (45)	18.4% (29)	24.6% (121)
Poor conduct	6.7% (11)	23.5% (40)	19.6% (31)	16.7% (82)

^aThe number of employees involved for the State as a whole does not correspond with those in Table 7 due to transfers of employees between the different types of projects.

jects; and 41.7% for the State as a whole. The proportion of employees working on Individual Assistance Projects who spent time in custody was 6.7% compared to 7.5% for Impersonal Group Projects; 10.5% for Personal Group Projects; and 8.3% for the State as a whole. The issue of poor conduct reports to employees working on Individual Assistance Projects was also less than for the other types of projects - 6.7% compared to 19.6% for Impersonal Group Projects; 23.5% for Personal Group Projects; and 16.7% for the State. There was however little difference between the types of projects in the incidence of breaching and all three project types ranged between 1.2% and 1.9%.

Although a higher proportion of employees defaulted on Personal Group Projects than on Impersonal Group Projects, the latter had a higher average incidence of defaulting on a weekly basis. This would indicate that the employees who defaulted on Personal Group Projects did so for shorter periods of time than those who defaulted on Impersonal Group Projects.

Allocation of Offenders to Projects -

Before drawing any conclusions from performance on different project types, the process of allocating employees to projects, and individual preferences amongst the employees, must be taken into account. In placing an employee on a project, some pre-selection must obviously take place. This pre-selection relates to matching the employee with a particular project. For example, it would be unreasonable and unfair to all concerned to place a foul-mouthed youth on an Individual Assistance Project with an elderly, religious widow. Crimes associated with certain types of dishonesty and alcoholism also restrict placement to particular types of projects. From the employ-

ees' point of view, some people prefer to work on Impersonal Group Projects where there is no demand for involvement with retarded children or elderly people, while others actively seek the personal involvement which these types of projects entail.

In the early stages of the scheme, there was a marked apprehension on the part of pensioners towards having "criminals" working around their homes. This was to be expected, and can easily be understood. Few aged people who have already experienced the problems of raising a family according to their own moral standards would seek to become involved in any way whatsoever with the "criminal" elements of society - a section of the community about which they know very little apart from the hardly re-assuring reports in the news media.

Careful matching of offenders to supervisors, to a great extent, overcame some of this apprehension and instilled confidence among pensioners in their ability to "cope" with these young offenders.

The effectiveness of the matching programme and its importance in developing a scheme of this nature is borne out by the fact that some pensioners eventually felt confident enough to ask specifically for "problem cases".

There are also examples of social relationships developing between pensioners and work order employees, where employees visited pensioners on Friday nights or at weekends, taking a few bottles of beer and their girlfriends with them; cases where offenders have continued to work for a pensioner after they have completed their prescribed number of days and until someone else could take over the project; and instances where pensioners have appeared in Court on behalf of work order employees who have been charged with further offences.

No project type has completely escaped a certain number of breakdowns, but in an overall sense the Individual Assistance Projects seem to have allowed for greater scope in bringing out the best in people - both the Pensioner/Supervisor, and the work order employee.

Project Success or Failure -

Successful as the Individual Assistance Projects might have been, it was an Impersonal Group Project that had the highest rate of all the projects. The rank order of the projects according to their rate is shown in Table 14. On the basis of these rate values, the projects fall naturally into three distinct categories - a small number of highly successful projects; a large number of what could loosely be termed mediocre projects; and a small group of very unsuccessful projects.

- Six projects ranging in rate value from 70.3 to 84.2 were considered to be the most successful;
- The next group of "mediocre" projects had a range in rate value from 36 to 62.9. A total of 20 projects were included in this group.
- The least successful group consisted of five projects ranging in rate value from minus 14.6 to plus 17.1.

As mentioned earlier, Individual Assistance Projects in each natural geographical area were counted as the one project giving a total of seven Individual Assistance Projects in all.

Comparing Table 14 with Tables 10 and 12, some anomalies are immediately apparent. The rank ordering shown in Tables 10 and 12 would imply that Burnie projects and/or Individual Assistance Projects

Table 14. Rank order of Work Order projects according to Rate (% Attendance - % AWOL) and result of analysis of Variance testing for significant differences. Also shown are % Attendance, % AWOL, and Score (% Attendance - AWOL + % Excellent Conduct - % Poor Conduct) and the result of the respective Analyses of Variance.

Region	Type	Project	Rate	Attendance	AWOL	Score
Hobart	Impersonal Group	Eastern Shore	84.2	85.9	1.7	80.7
Hobart	Individual Assistance	Country pensioners	77.1	77.1	0.0	112.1
Launceston	Individual Assistance	Launceston pensioners	76.9	76.9	0.0	61.5
Burnie	Individual Assistance	Burnie pensioners	75.9	80.0	4.1	62.0
Burnie	Impersonal Group	Burnie Park	71.1	78.4	7.2	43.4
Hobart	Individual Assistance	Eastern Shore pensioners	70.3	71.2	0.9	89.5
Hobart	Impersonal Group	Country areas	62.9	71.5	8.6	61.1
Hobart	Personal Group	Eastern Shore	62.1	76.4	14.2	60.2
Burnie	Individual Assistance	Circular Head pensioners	61.3	73.5	12.2	63.3
West Coast	Impersonal Group	West Coast projects	60.7	68.4	7.7	58.7
Hobart	Personal Group	Walkabout Workshops	60.4	69.4	9.0	60.4
Hobart	Personal Group	Western Shore	59.9	68.3	8.5	32.6
Hobart	Personal Group	Lady Clark	58.5	67.6	9.1	53.2
Hobart	Personal Group	Yalanbee	58.2	69.9	11.7	-24.1
Hobart	Personal Group	Lillian Martin	57.6	67.1	9.4	1.6
Launceston	Personal Group	Launceston projects	56.5	67.2	10.7	75.5
Hobart	Impersonal Group	Poimena	55.3	62.3	7.0	20.6
Devonport	Individual Assistance	Devonport pensioners	54.9	66.6	11.6	43.4
Hobart	Individual Assistance	Western Shore pensioners	54.5	66.0	11.5	31.2
Launceston	Impersonal Group	VDL Railway	53.3	61.7	8.5	49.9
Hobart	Personal Group	Country areas	51.8	61.2	9.4	24.5
STATE MEAN			51.0	63.3	12.3	53.7
Hobart	Impersonal Group	Mt Stuart	44.7	56.7	12.0	46.9
Devonport	Impersonal Group	Pioneer Cemetery	43.4	50.0	6.6	43.4
Hobart	Impersonal Group	University	42.3	56.3	14.0	57.0
Devonport	Impersonal Group	Don Railway	36.0	47.2	11.2	28.0
Devonport	Impersonal Group	Latrobe	17.1	36.1	19.0	-16.2
Hobart	Personal Group	Corumbene	14.2	42.2	28.0	-39.6
Launceston	Impersonal Group	Launceston projects	14.1	41.9	27.8	6.7
Launceston	Impersonal Group	St Oswalds	-5.4	37.8	43.2	-21.4
Launceston	Impersonal Group	Canine Defence	-14.6	34.9	49.5	-10.8
F.			10.72	6.41	11.42	6.89
P.			<.01	<.01	<.01	<.01

should fill the top positions for the most successful projects and that the projects undertaken in the Launceston region and/or Impersonal Group Projects would be amongst the least successful.

However, the most successful project according to its rate, was undertaken in the Hobart region and was followed by a project from the Launceston region. Further, although four of the top six projects were Individual Assistance Projects, two Impersonal Group Projects were among the most successful - one from Hobart and one from Burnie. The Hobart Impersonal Group Project - renovating a Scout Hall - ranked highest of them all. It would therefore appear that factors other than differences between regions and the project types had a bearing on performance.

Given that particular types of offenders are matched to particular types of projects, anomalies in the success or otherwise of different projects in different regions can best be explained with reference to differences between the administrators and supervisors. The importance of individual differences between employees, in accounting for these anomalies, in many cases is diluted by the large numbers involved in each region. A comparison of the most successful and least successful projects, moreover, shows that the success of a project seems to relate more to the personal characteristics of the supervisor than to the project type itself. Of course, these personal characteristics are not readily measured and have been gauged purely on a subjective basis.

The Most Successful Projects -

Assessments of the enthusiasm or otherwise of supervisors in this section are based on personal contact with the people and the pro-

jects concerned. Even before the relative success or failure of projects was calculated, the effect of the attitude of the supervisor on the motivation of the employees was apparent.

The enthusiasm of the supervisor in charge of the most successful project in this study - an Impersonal Group Project on Hobart's Eastern shore involving the renovating and re-decorating of a local Scout Hall, is reflected in the performance of employees working on the project. The supervisor took part in the work with the other volunteers and the work order employees promoting a team spirit among all the workers. In such a way, the project became, if not a pleasure to work on, then at least not a tedious obligation to be faced each week.

Similarly, before this evaluation began, an Impersonal Group Project involving the development of a children's adventure playground proved to be particularly successful. Members of the supervising community service group, Rotary, worked alongside the work order employees and a team spirit developed towards the project. No discrimination was practised in the work undertaken by the volunteers and the employees, and the barbeque held at the completion of the project was enjoyed equally by all.

The supervisor of the other most successful Impersonal Group Project in this study also worked alongside the work order employees under his supervision. The project, at Burnie Park, was supervised by the Council Park gardener who, with his love of the park, his enthusiasm for gardening, and his willingness to teach the work order employees about plants and gardening, instilled a similar enthusiasm amongst his charges to such an extent that they actually "enjoyed" the work they were doing.

It should be remembered that most employees working on Impersonal Group Projects such as those described above were considered unsuitable for placement with pensioners on Individual Assistance Projects because of their dubious character or unreliable nature.

As has been mentioned earlier, the employees selected for Individual Assistance Projects were generally the "better" types of offenders - those who were considered to be the most reliable, least aggressive, and the least likely to present any threat or problem to the Pensioner/Supervisor. The fact that in most cases the Pensioner/Supervisor was also the beneficiary of the work being done gave him a vested interest in getting the most out of the employees under him, and this should also be taken into account when comparing the relative success of different project types. On the basis of these factors alone, it is small wonder that Individual Assistance Projects were by and large, the most successful undertaken.

The success of this type of project was not, however, universal, and three Individual Assistance Projects fall into the mediocre group of project success categories. The large number of Individual Assistance Pensioner/Supervisors, and the varying degrees of rapport they had with their charges could account for this seeming inconsistency. While most pensioners took an interest in the work being done for them, and established a good relationship with the employees, some were of a rather cantankerous disposition who were never satisfied with the work being done, claiming that they could have done the job better themselves had they "still felt up to it". Supervisors of this type had a predictable effect on the employees under them, and, in the rare cases where supervisors proved too difficult to please, it usually became necessary to transfer the employee to an-

other project, in the best interest of all concerned. Most Pensioner/Supervisors did in fact take an interest in their charges and were appreciative of the work done for them.

The Least Successful Projects -

The Canine Defence League project in the Launceston region was the least successful of all the projects - and understandably so. The work entailed cleaning the compounds in which stray and unwanted dogs were kept, a rather dirty, smelly job at the best of times. To make matters worse, the dogs - up to 50 of them at a time, continually barked or howled when anyone came near the compound. This would surely be enough to dampen the enthusiasm of even the most avid dog lover!

The Latrobe and St. Oswalds projects were among the least successful, and although no causal relationship is implied, were both supervised by Ministers of religion. The Latrobe Minister felt obliged to do his utmost to convert the work order employees into accepting Christ as their personal Saviour, and employees who took advantage of his offer of free lunch were expected to stay for the Bible reading sessions as well. Thus, although his good intentions could not be doubted, and it was obvious that he took a personal interest in his charges, it was not the type of interest that most of the employees appreciated.

The Minister supervising the St. Oswald's project had rather unrealistic aims and expectations as far as the scheme was concerned. He did not attempt to establish personal relationships with his charges but rather expected them to show a high degree of initiative in carrying out the work around the church and adjoining cemetery.

Many of the employees simply lacked the ability to show initiative. The St. Oswald's Minister was rather an aloof and detached gentleman, and would possibly have been better suited to dealing with law-abiding citizens in more conventional social situations rather than supervising the work of a group of individuals who had broken the law. Once again, it was apparent that the Minister meant well, but his aloof nature and unrealistic expectations alienated him from the work order employees working under him.

The Corumbene project in the Hobart region entailed the maintenance of grounds at geriatric units and was supervised by the Matron-in-Charge. The lady was satisfied with little short of perfection, and proved generally difficult to please, which did nothing to enhance the desirability of the project or the development of any sort of group cohesiveness.

The four projects outlined above illustrate the adverse effect that some of the supervisors had on the success of a project. Similarly, the overall quality of the supervisors of the most successful projects seemed to have had a considerable impact on the performance of employees.

THE EFFECT OF THE WEATHER:

It was considered by the Regional Administrators and some of the supervisors that increased attendance during wet weather was due to the fact that employees were usually dismissed early while still being credited with a full day's work. On this reasoning, the policy of dismissing employees during inclement weather had the undesirable effect of attracting employees to a project simply because they wanted to be credited with a day's work without having to put

in any effort for it.

In order to test whether this was in fact happening, a rather crude record was kept of weather conditions in each region for every Saturday during the study period. In each case, the administrator recorded the weather as being either fair or foul - foul being defined as wet and cold, and anything else being regarded as fair. No attempt was made to record a more objective measure, such as rainfall, as this could vary greatly even within a region, and would lead to complications in the comparison.

The supervisors were responsible for deciding whether or not the employees should be dismissed early in bad weather conditions, but in cases where the employees were dismissed, the administrators were informed - a safeguard against the over-generosity of any one supervisor.

However, monitoring weather conditions and resultant early dismissals was not clear-cut throughout the regions, and not all employees in any one region were necessarily dismissed at any one time. Differing criteria used by the supervisors, differences in weather within a region, the nature of the work project - where some work was done indoors - and the fact that not all the employees worked on Saturdays had some bearing on the results.

Given these limitations, the effect of the weather on work order attendance is shown in Table 15. Using the same four variables of attendance, AWOL, rate and score, t tests were conducted to test for significant differences.

In Table 15, it can be seen that inclement weather did affect attendance and that more employees attended in poor weather than in good

Table 15. Results of t tests for the effect of the weather on work order attendance.

Weather	No. of project weeks	\bar{X}	t.	d.f.	p.
---------	----------------------------	-----------	----	------	----

ATTENDANCE

Fair	506	60.8			
			3.15	682	<.01
Foul	178	68.7			

AWOL

Fair	506	13.1			
			0.01	682	>.05 n.s.
Foul	178	13.1			

RATE (% attendance - % AWOL)

Fair	506	47.7			
			2.16	682	<.05
Foul	178	55.6			

SCORE (% attendance - % AWOL + % excellent conduct - % poor conduct)

Fair	506	34.5			
			1.36	682	>.05 n.s.
Foul	178	43.4			

weather. This was significant at the .01 level.

$$t = 3.15; \text{ d.f. } = 682; p < .01$$

But rather surprisingly, the AWOL rate remained the same in both good and bad weather, and was seemingly not affected by the weather at all.

$$t = 0.01; \text{ d.f. } = 683; p > .05; \text{ not significant}$$

If the attendance increased in poor weather, but the AWOL level remained constant, then the higher numbers of employees attending must have come from the group who would normally have been absent with permission - most likely those who would have claimed sickness or been working for their usual employer.

A weekly average of 7.8% of employees gave their reason for non-attendance as sickness, and in such cases a doctor's medical certificate was generally required. Some of these would no doubt have been "sickies" and employees who might normally have taken a "sickie" to get out of work could see that by presenting themselves in bad weather they would not be required to work but would still be credited with having done so.

It was considered however, that the bulk of the extra employees who turned up for work in bad weather were those who would normally have been required to work overtime at their usual job. About two-thirds of offenders sentenced to work orders were unskilled workers (See Part IV) who were, in most cases, required to work out-of-doors in the course of their normal employment. Each week an average of 5% of the work order employees were absent with permission from their project because they were required to work overtime at their job. In most cases, such overtime was not generally requested of employees

in bad weather when rain would have hampered outside work. When this happened, the employees then became available for their work project instead.

The belief that the scheme was being abused by employees with regard to early dismissals during inclement weather would therefore seem to be questionable. The level of absence without leave was not affected by the weather and good reasons can be offered to explain why more employees were available to work on their projects in poor weather conditions.

THE EFFECT OF COURT BREACHES ON ATTENDANCE:

It was widely held by the Regional Administrators that when a work order employee was breached (i.e. taken back to Court and convicted for not complying with his work order instructions), the resultant press publicity had the effect of increasing the attendance and diligence of the other employees in the region.

To test for this, a comparison was made of the attendance within each region before and after a breach took place. It was considered that changes in attendance, if any, could best be shown on a one-week-before, and one-week-after basis, rather than comparing attendance after a breach with attendance at all other times. Because the number of breaches in all regions was small, it was expected that any increase in attendance would also be small, and a comparison with attendance over the entire study period would dilute the strength of the effect. Only the attendance within a region affected by a breach was considered because of the wide area covered by the scheme, and the localised coverage of breaches in regional newspapers. A Chi-square analysis was used in the comparison. The X^2 table, as

Table 16. Attendance of work order employees within the Regions affected, on the week before and after a Court conviction for non-compliance with work order instructions.

Attendance	Week before breaching	Week after breaching	Total
Present	82	82	164
Absent with permission	20	15	35
AWOL	17	17	34
Total	119	114	233

$$\chi^2 = 0.61; \text{ d.f. } = 2; \text{ p } = <.05 \text{ not significant}$$

shown in Table 16, is not significant.

$$\chi^2 = 0.61; \text{ d.f.} = 2; p > .05; \text{ not significant}$$

There was, therefore, no change in attendance within a region between the week before and the week after an employee was convicted for failure to comply with his work order instructions.

CONCLUSIONS

There appear to be no commonly accepted operational standards for schemes like the Work Order Scheme which provide an alternative to conventional imprisonment through a loss of leisure-time. This is probably because such schemes are a relatively new innovation and there is no comprehensive body of data available to which performance on one scheme or another can be compared. It is also true to say that the Tasmanian Work Order Scheme, reputedly the first of its kind in the Western World, is unique in its manner of operation. The combination of these factors make it difficult to critically assess the operation of the scheme and to make comparative statements about performance.

In view of the paucity of comparative data available, this evaluation of the operation of the Work Order Scheme must necessarily stand in relative isolation. It can be said however that the scheme appears to be operating reasonably well with no major abuses either on the part of the offenders or the supervisors.

The criteria used to assess the operation of the Work Order Scheme were the attendance of offenders on the scheme, their diligence at work, and breakdowns resulting in the offender being returned to Court for failing to comply with his instructions. These criteria

differ from those used in studies of schemes which operate on similar principles, further compounding the difficulties in making comparisons. It is possible however to make some rather loose comparisons.

In the matter of attendance, the Work Order Scheme has an average weekly attendance of 63% which does not seem very high. This seemingly low attendance figure is mitigated somewhat by the flexible nature of the scheme and the resultant high numbers of employees who are absent with permission. It should also be remembered that employees are obliged to make up any time lost and, except for the few offenders who are taken off the scheme, or abscond, most complete the required number of days to which they are originally sentenced.

An average of about 12% of employees are absent without leave (AWOL) each week and once again this figure seems fairly high. The incidence of AWOL could no doubt be reduced somewhat by a more stringent enforcement of the order or by rewarding attendance and diligence through "remissions" as was the practice in the Burnie and West Coast regions. The flexible nature of the scheme together with the current policy of remissions on prison sentences; the acceptance of positive reinforcement as a more effective behaviour modification technique than negative reinforcement; and the proven results in the Burnie and West Coast regions make the latter alternative a more attractive line to follow.

No comparable information on average attendance and AWOL rates is available for the English Community Service Order Scheme, the Victorian Attendance Centre Programme or the New South Wales Periodic Detention Programme. The inflexible attendance requirements of the

latter two programmes would no doubt ensure excellent attendance figures.

The breaching rate on the Tasmanian Work Order Scheme at 1.6% is considerably lower than the 5.9% of offenders who breached house rules resulting in a Court conviction on the New South Wales Periodic Detention Programme and the Victorian Attendance Centre Programme breaching rate of 10.4%. Differences between the schemes may however make it more appropriate to include the absconders on the Tasmanian scheme in deriving a comparable breaching rate. This produces a breaching/absconding rate of 7.1% for the Tasmanian scheme compared to a breaching rate of 5.9% for the New South Wales Detention Programme and 10.4% for the Victorian Attendance Centre Programme. The 27.1% of offenders referred to in a study of the English Community Service Order Scheme by Pease, et. al. as having their sentences "unsatisfactorily" terminated, although not clearly defined, is assumed to refer to something similar to the combined breaching/absconding/custody rates on the Tasmanian scheme. In this case the Tasmanian rate of 16.2% compares to the 27.1% on the English Scheme and to 15.3% for the New South Wales Periodic Detention Programme.

On the basis of the figures quoted above it is apparent that the Tasmanian scheme compares favourably with other similar schemes. The comparisons made should not be taken as absolute and only serve as a guide to performance and what may be considered to be operationally acceptable. Differences in the administrative and legal aspects of the schemes reviewed affect the criteria selected to assess performance and should be borne in mind.

However well the Tasmanian scheme may be operating in a comparative sense, it is usually the negative aspects of a scheme which attract

most public attention. Depending on the aims of the scheme, the levels of breakdown considered acceptable may vary. The criteria used to determine what types of offenders will be placed on the scheme will obviously affect the likelihood of breakdowns.

The next section of this evaluation looks at the characteristics of offenders sentenced to work orders and the relationship between these characteristics and breakdowns on the scheme.

PART IV

CHARACTERISTICS OF
OFFENDERS AND BREAKDOWNS

on the

WORK ORDER SCHEME

There are a number of ways in which the incidence of breakdowns on the Work Order Scheme could be minimised and these would include the implementation of stringent selection methods. While such selection methods may ensure a fairly low rate of breakdown on the scheme, they may also exclude many offenders who may not have defaulted at all. In the early stages of the scheme, information on the characteristics of those offenders least likely to default was not available and, even with this information, the value of ensuring a high success rate to the detriment of those offenders who may have benefited from being given a work order sentence rather than a prison sentence is questionable.

This section of the evaluation deals with the characteristics of offenders sentenced to work orders and the relationship between these characteristics and breakdowns on the scheme, namely the incidence of defaulting in attendance, and the recidivism rates.

METHOD

The characteristics of all males sentenced to work orders in 1974, broken down into 19 variables, were analysed. (Females were not included as it was considered that the small number involved - approximately one in one hundred - would only confuse the issue). The data was collected from the files of the Probation and Parole Service of the Attorney-General's Department; the Criminal Investigation Branch of the Police Department; and the prison records of the Prisons Department.

The incidence of defaulting was recorded for each offender for the duration of his order and a maximum of 18 months/minimum of six months, depending on when the offender was sentenced, was allowed for the recording of subsequent offences.

VARIABLES CONSIDERED:

The 1974 work order group consisted of 340 cases - four cases were discarded due to inadequate information. A total of 19 variables relating to offenders sentenced to work orders were considered, being:

- * The regional office under whose jurisdiction the offender came.
- * The month of conviction.
- * The offender's age at the time of conviction.
- * The offender's occupational status according to the Congalton Scale (1969).
- * The offender's stability of work record. The criterion used for an unstable work record was four or more changes of employment within the 12 months preceding conviction.
- * The marital status of the offender. The only two categories used were married and single. Offenders who were separated, divorced or who had never been married and were not living in a defacto relationship, were classified as single. Offenders who were married or living in a defacto relationship were classified as married.
- * The offender's family background was classified as either regular or irregular. The classification irregular was used for any irregularity in the family relationships such as loss of one or both parents through death, separation or divorce; and/or loss of the wife through death, separation or divorce.
- * Educational levels were based on the highest class attained at school.
- * Intelligence was classified as either below average, average or above average. Unless an IQ score was recorded on

the individual's file, the classification was based on the estimate provided by the supervising Probation Officer. Invariably the scores recorded on individual files were of a below-average intelligence.

- * Known illiterates and sub-literates were classified as such. This information was supplied by the supervising Probation Officer on the basis of those offenders who could not, or claimed they could not, fill out normal government forms such as applications for unemployment benefits, learner driver permits, etc.
- * Whether or not the offender was represented in court by counsel.
- * Whether alcohol played a part in the offence. This information was usually included in the Police Prosecution Brief and recorded by the supervising Probation Officer. In some cases the information was given to the Probation Officer by the offender himself.
- * The type of primary offence for which the offender was convicted. It is not uncommon for an offender to be convicted of a number of offences at the one court sitting. In such cases, the primary offence is regarded as the main conviction, or the conviction given the heaviest penalty. The categories used were crimes against person (such as assault); crimes against property (such as breaking and entering, and stealing); conduct offences (such as drunk and disorderly, disturbing the peace); and other which, in this study, was comprised entirely of traffic offences. This method of classification is the same as that used by the Australian Bureau of Statistics.
- * The number of work order days to which the offender was sentenced by the court. Although, for recording purposes, only one offence is listed in the type of primary offence category, the offender can be convicted of more than one offence in the one court sitting. This means that while 25 work order days is the maximum which can be given

for any one offence, some work order sentences can be in excess of that number.

- * Whether or not the offender defaulted. If an offender absconded during his work order sentence, he was classified as such. If he missed more than one in ten days without a proper excuse, he was classified as having defaulted.
- * Whether or not the offender had a previous record. The number and types of previous primary offences were obtained from the CIB records. The offences were classified as: those dealt with in the Children's Court; crimes against the person; crimes against property, conduct offences and other. Each court hearing was counted only once according to the primary offence. The number of charges and convictions at each court hearing was not counted.
- * The number of prison sentences previously served was recorded. Concurrent and cumulative prison sentences were counted once only and wholly suspended prison sentences were not counted at all. The resultant number indicated how many times the offender had been in prison rather than how many prison sentences he had served.
- * The frequency and type of subsequent offences were recorded as an index of recidivism. Offenders who had been sentenced to work orders during the 1974 calendar year and who were convicted of subsequent offences before 30th June 1975, were classified as recidivists. This allowed a maximum of 18 months and a minimum of six months in which further offences could be recorded. The types of sentences imposed for subsequent offences, and frequency of each, were classified as either a fine, probation order, work order, or imprisonment.

The variables listed above represent a fairly comprehensive coverage of available and relevant information. The variables selected furthermore are generally regarded as having some bearing on criminality (Walker, 1973; West, 1972; Sutherland and Creasey, 1974; West and Farrington, 1975).

Other factors such as gang membership; parental/sibling conflict with the law; poverty; the degree of parental involvement in upbringing; and abnormal EEG patterns, hormones, or chromosomes although featuring prominently in criminological theories, could not be included as variables because of a lack of available information.

RESULTS AND DISCUSSION

CHARACTERISTICS OF OFFENDERS SENTENCED TO WORK ORDERS:

The characteristics of those offenders sentenced to work orders in 1974 are shown proportionately in Figures 14-31. Where information was available, comparisons were made with the State distribution of the appropriate variable.

The proportionate distribution of work order employees between the five regions is shown in Figure 14. A comparison between the proportionate distribution of work order employees relative to the proportionate regional population shows that the two were not evenly balanced.

Region	Percentage State pop.	Percentage work order pop.
Hobart	47.3%	53.8%
Launceston	27.1%	21.8%
Devonport	11.8%	10.0%
Burnie	10.6%	12.6%
West Coast	3.2%	1.8%

A Chi-square test for differences between the number of work order employees in each region and the population of the region was statistically significant.

$$\chi^2 = 11.03; \text{ d.f.} = 4; p < .05$$

The Burnie and Hobart regions had a disproportionate number of offenders sentenced to work orders relative to the regional population, while employees in the West Coast, Devonport and Launceston regions were under-represented. Note the differences in regional distribution between the offenders sentenced to work orders in 1974 in relation to the number of offenders on the scheme in each region during the six-month observation period from April to September 1975 (p.71).

Possible explanations for these differences could include: the gradual development and acceptance of the scheme in the different regions; differences in sentencing policies in the various regional courts; and the degree of enthusiasm or otherwise with which the Regional Administrators recommended a work order sentence to the court as an alternative sanction.

The monthly distribution of work order sentences is shown in Figure 15. The low level of work order sentences imposed in January reflects the closure of the courts during the Christmas holiday period, while the high levels in October/November and in March reflect the increased court activity both before and after the Christmas recess.

The proportionate age distribution of work order employees is shown in Figure 16. It can be seen that most work order employees were young offenders with nearly two-thirds being between 16 and 20 years of age and only one-third over the age of 21. In addition, only one in six offenders were over 25 years of age.

Age	Percentage Tasmanian male pop.	Percentage work order pop.
16-20	13.5%	65.0%
21-25	11.9%	18.8%
26-30	10.1%	8.8%
31-40	17.1%	4.7%
41+	47.4%	2.6%

A Chi-square analysis comparing the age distribution of work order employees to the age distribution of males in the Tasmanian population was statistically significant. An over-representation of work order employees was found in the 16-25 age group and an under-representation in the 31 and over age group.

$$\chi^2 = 82.71; \text{ d.f.} = 4; p < .001$$

These findings are in line with most criminological studies which show that male offenders under 25 years of age are grossly over-represented throughout the various facets of the criminal justice system whether in police, court or corrections statistics. Offenders over 30 years of age are, on the other hand, usually found to be under-represented. (See Walker, 1973; West, 1972; Sutherland and Cressey, 1974; Hood and Sparks, 1972).

The characteristics of offenders sentenced to work orders on the other variables were as follows:

- * Two-thirds were unskilled. No comparable State figure was available. (Figure 17)
- * More than one-half had an unstable work record. (Figure 18)
- * More than two-thirds were single, divorced or separated. A Chi-square analysis comparing the number of single and married offenders with the number of single and married men over 15 years of age throughout the State was statistically significant.

	Percentage State male pop. over 15 years	Percentage work order pop.
Single	35.1%	70.4%
Married	64.9%	29.6%
$\chi^2 = 24.99; \text{ d.f.} = 1; p < .001$		(Figure 19)
* One-half had regular family backgrounds.		(Figure 20)
* Two-thirds did not complete fourth year high school.		(Figure 21)
* Four in every five were assessed as having average or below-average intelligence with only 8% being assessed as having above-average intelligence.		(Figure 22)
* Eight percent were known illiterate or sub-literate.		(Figure 23)
* One-half of the offenders were not represented in court by counsel, one in five were represented, and in slightly more than one-quarter of the cases it was not known whether or not the offender was represented by counsel.		(Figure 24)
* At least 55% of the offenders were affected by alcohol at the time of the offence; 27% of the offenders were not affected by alcohol; and in 18% of the cases it was not known whether or not alcohol was involved.		(Figure 25)
* Nearly one-half, or 47% of the offenders had committed property offences; 34% traffic offences; 14% crimes against the person; and 5% had committed conduct offences.		(Figure 26)
* The average length of sentence was 16 work order days, with 57% of the offenders being sentenced to a period of between 6 and 15 days - usually taking a similar number of weeks to complete. Eight percent of the		

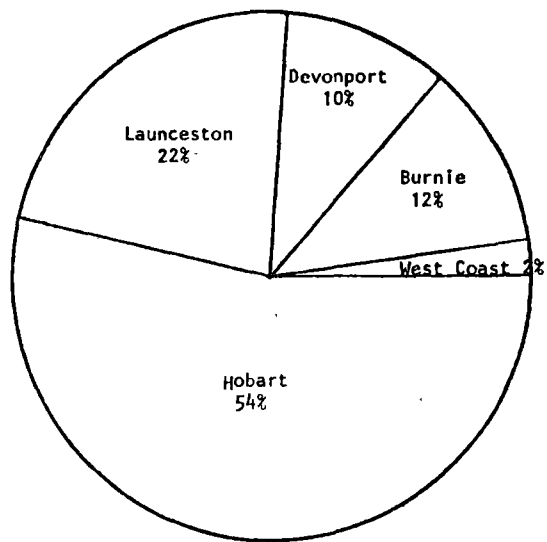
offenders were sentenced to more than the maximum number of days which can be given for any one offence (25 work order days) indicating that more than one offence was involved. (Figure 27)

* Nine out of every ten offenders had a prior conviction and almost one in five had previously served a prison sentence. (Figure 28)

* Thirty-nine percent completed their work orders satisfactorily and were not convicted of any subsequent offences during the follow-up period; 14% defaulted in attendance by missing more than one in ten days without a proper excuse while serving their sentence; and 23% were convicted of subsequent offences during the follow-up period and defaulted in attendance. A further 24% did not default in attendance but were convicted of subsequent offences during the follow-up period. In sum, a total of 37% defaulted in attendance while serving their sentence and a total of 47% were convicted of subsequent offences. (Figure 29)

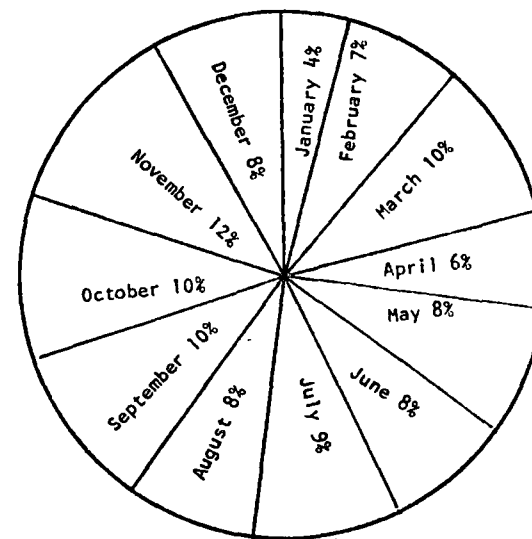
* Just under one-fifth (19%) of the work order group were sentenced to a term of imprisonment for subsequent convictions and 28%, although convicted of subsequent offences, were not sentenced to a term of imprisonment. The remaining 53% were not convicted of any subsequent offences. (Figure 30)

* Although the follow-up period was relatively short (from a minimum of six months to a maximum of 18 months), almost 4% of the offenders sentenced to work orders were sentenced to three or more terms of imprisonment for subsequent offences. One offender even managed to earn himself six separate prison sentences within this brief follow-up period, and yet another, five! (Figure 31)



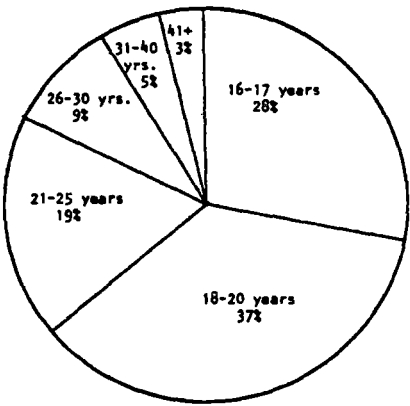
REGION	PERCENT
Hobart	53.8
Launceston	21.8
Devonport	10.0
Burnie	12.6
West Coast	1.8
	<hr/>
	100.0

FIGURE 14 Proportionate regional distribution of individuals sentenced to work orders in Tasmania, 1974
n = 340



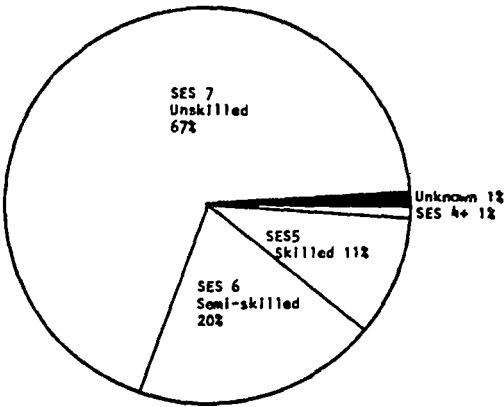
MONTH	PERCENT
January	3.5
February	6.8
March	10.0
April	6.2
May	8.2
June	8.5
July	8.8
August	7.6
September	9.7
October	10.3
November	12.4
December	7.9
	<hr/>
	100.0

FIGURE 15 Proportionate monthly distribution of individuals sentenced to work orders in Tasmania, 1974.
n = 340



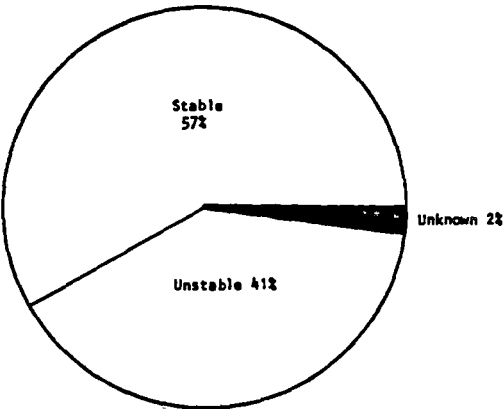
AGE	PERCENT	
16-17 years	27.6	Mean = 21.26 years
18-20 years	37.4	Median = 19.28 years
21-25 years	18.8	Mode = 17 years
26-30 years	8.8	
31-40 years	4.7	
41+ years	2.6	
	100.0	

FIGURE 16 Proportionate distribution, according to age, of individuals sentenced to work orders in Tasmania, 1974.
n = 340



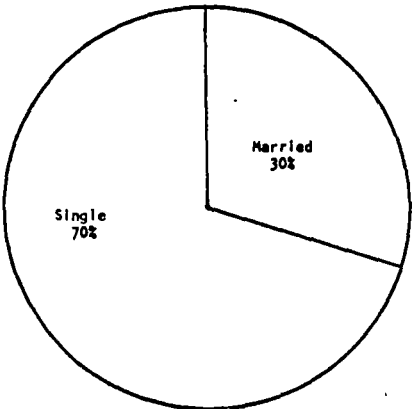
OCCUPATIONAL STATUS (Congalton Scale)	PERCENT
3	0.3
4	0.9
5	10.9
6	20.0
7	66.8
Unknown	1.2
	100.0

FIGURE 17 Proportionate distribution, according to occupational status on the Congalton Scale, for individuals sentenced to work orders in Tasmania, 1974.
n = 340



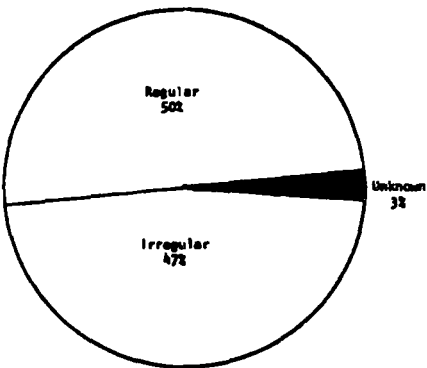
WORK RECORD	PERCENT
Stable	56.8
Unstable	40.9
Unknown	2.3
	100.0

FIGURE 18 Proportionate distribution, according to work record, of individuals sentenced to work orders in Tasmania, 1974.
n = 340



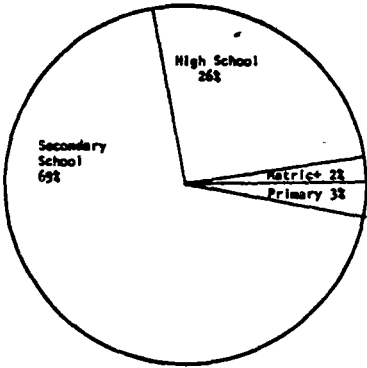
MARITAL STATUS	PERCENT
Single	70.4
Married	29.6
	100.0

FIGURE 19 Proportionate distribution, according to marital status, of individuals sentenced to work orders in Tasmania, 1974.
n = 340



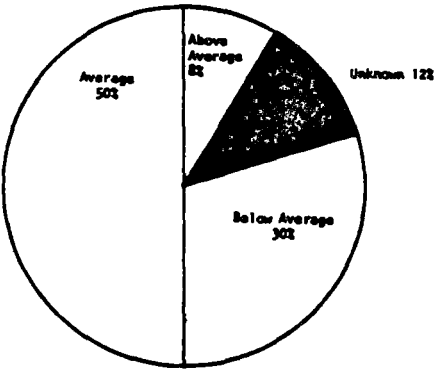
FAMILY RELATIONSHIPS	PERCENT
Regular	49.7
Irregular	47.1
Unknown	3.2
	<hr/> 100.0

FIGURE 20 Proportionate distribution, according to family relationships, of individuals sentenced to work orders in Tasmania, 1974.
n = 340



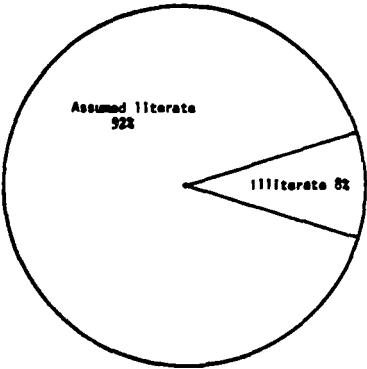
EDUCATION	PERCENT	
Primary	2.7	mean = 8.96 years at school
Secondary	69.2	median = 9.01 years at school
High	26.3	mode = 9 years at school
Matriculation	1.5	
Tertiary	0.3	
	<hr/> 100.0	

FIGURE 21 Proportionate distribution, according to educational level, of individuals sentenced to work orders in Tasmania, 1974.
n = 340



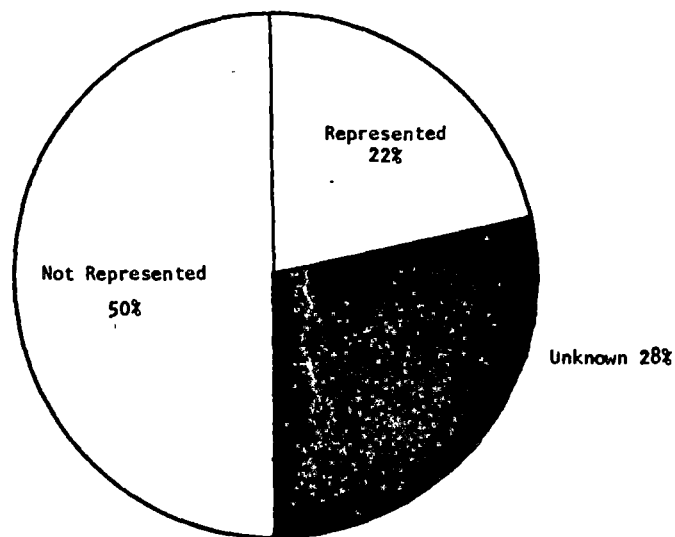
INTELLIGENCE	PERCENT
Above Average	7.9
Average	49.7
Below Average	30.6
Unknown	11.8
	<hr/> 100.0

FIGURE 22 Proportionate distribution, according to estimated intelligence, of individuals sentenced to work orders in Tasmania, 1974.
n = 340



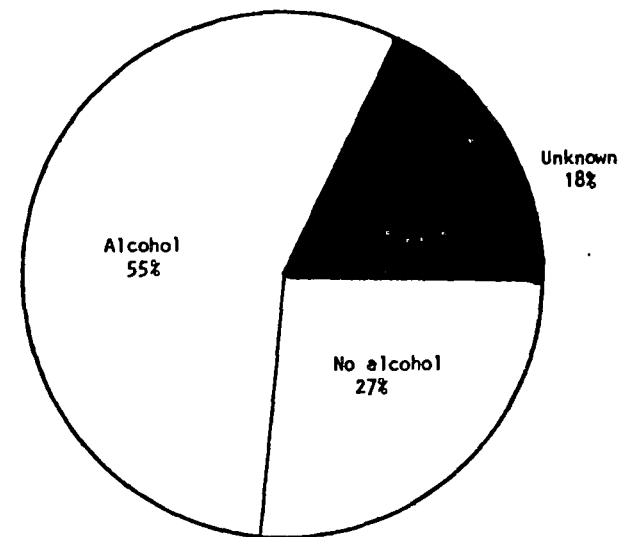
LITERARY	PERCENT
Assumed literate	91.5
Known illiterates	8.5
	<hr/> 100.0

FIGURE 23 Proportionate distribution of known illiterates for individuals sentenced to work orders in Tasmania, 1974.
n = 340



REPRESENTED BY COUNSEL	PERCENT
Represented	21.8
Not Represented	49.7
Unknown	28.5
	<hr/>
	100.0

FIGURE 24 Proportionate distribution of court representation by Counsel for individuals sentenced to work orders in Tasmania, 1974.
n = 340



ALCOHOL	PERCENT
Involved	55.3
Not Involved	26.5
Unknown	18.2
	<hr/>
	100.0

FIGURE 25 Proportionate distribution of alcohol involvement in the offence for individuals sentenced to work orders in Tasmania, 1974.
n = 340

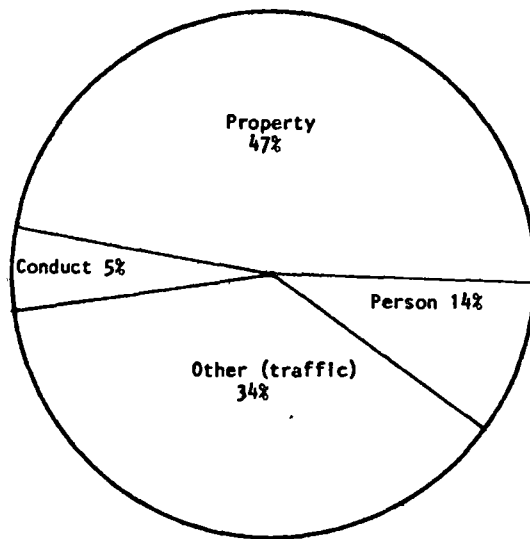


FIGURE 26 Proportionate distribution of primary offence for which individuals were sentenced to work orders in Tasmania, 1974.

n = 340

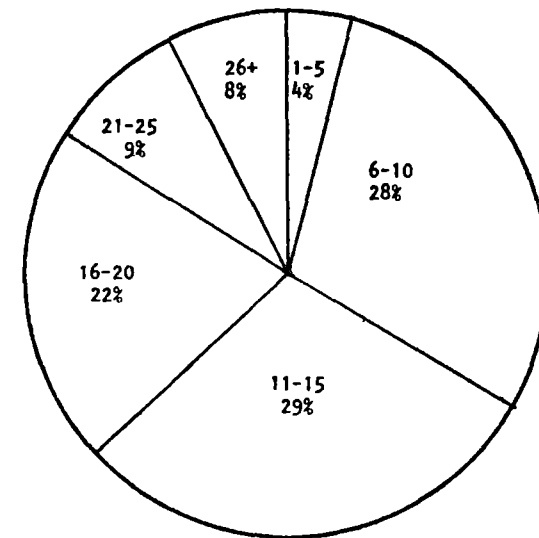
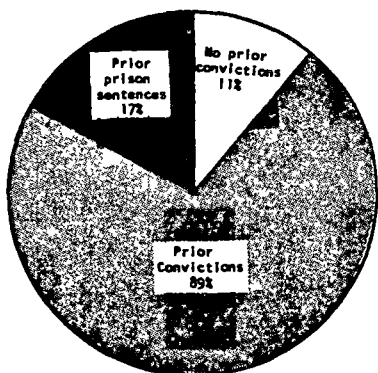


FIGURE 27 Proportionate distribution of number of work orders to which individuals were sentenced in Tasmania, 1974.

n = 340

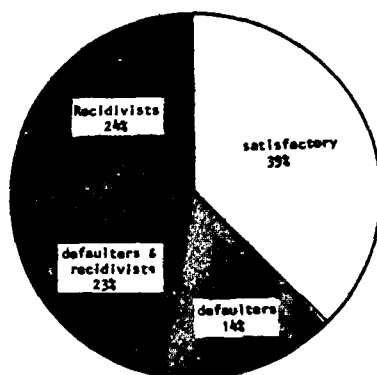
mean = 16.0
median = 14.7
mode = 10



Prior Convictions	Percent
No convictions	10.6
Convictions	89.4
	100.0

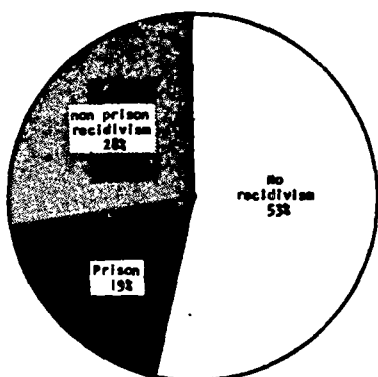
Prior Prison Sentences	Percent
No prior imprisonment	82.9
Prior imprisonment	17.1
	100.0

FIGURE 28 Proportionate distribution of prior convictions and prior prison sentences for individuals sentenced to work orders in Tasmania, 1974
n = 340



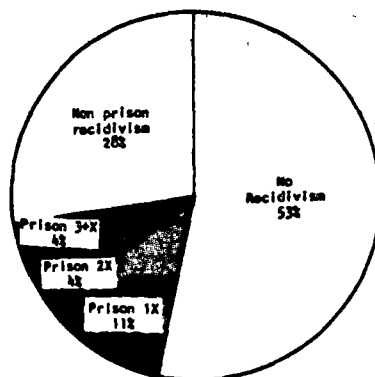
Performance	Percent
satisfactory	38.9
default	14.0
recidivism	24.0
default and recidivism	23.1
	100.0

FIGURE 29 Proportionate distribution of individuals sentenced to work orders in Tasmania, 1974, who defaulted on their work order and/or were convicted of further offences by the 30th June, 1975,
n = 340



Recidivism/Prison	Percent
No recidivism	52.9
non prison recidivism	28.3
recidivism resulting in prison sentence	18.8
	100.0

FIGURE 30 Proportionate distribution of individuals sentenced to work orders in Tasmania, 1974, who were subsequently sentenced to imprisonment for further offences by the 30th June 1975
n = 340



Number of prison sentences	Percent
No recidivism	52.9
non prison recidivism	28.3
Prison 1X	10.6
Prison 2X	4.4
Prison 3X	2.6
Prison 4X	0.6
Prison 5X	0.3
Prison 6X	0.3
	100.0

FIGURE 31 Proportionate distribution of individuals sentenced to work orders in Tasmania, 1974, and the number of separate subsequent prison sentences imposed on them for further offences to the 30th June, 1975.
n = 340

BREAKDOWNS IN THE WORK ORDER GROUP:

Breakdowns in the work order group were analysed in terms of those offenders who:

- a) defaulted in attendance;
- b) committed further offences.

Defaulting in Attendance -

Employees who missed more than one in ten days' work without a proper excuse and employees who absconded were classified as having defaulted in attendance. On this basis, 27% of the employees missed more than the required number of days without a proper excuse and 10% of the employees absconded. The combined total of employees who defaulted in attendance was thus 37%.

Comparing these figures to the defaulting rates in the operational analysis (Part III), it would appear that between 1974 and 1975, the absconding rate decreased and the level of absence without leave increased. In the case of absconding the same criterion was used in the 1974 analysis as in the 1975 analysis. Thus the 5.5% who absconded in 1975 represents a 4.5% drop on the 10% who absconded in 1974. However, different criteria were used to determine defaulting in attendance in this analysis and the incidence of absence without leave (AWOL) in the operational analysis. In the former case, employees who missed more than one in ten days' work without a proper excuse were considered to have defaulted, whereas in the latter case any unexcused absence was classified as defaulting. The

43% (including absconders) who defaulted in attendance in the 1975 work order group cannot therefore be validly compared to the 37% who defaulted in attendance in the 1974 work order group.

Eight of the 19 variables considered were statistically related to defaulting. The relationship between these variables and defaulting is shown in Figures 32-39. The Chi-square frequency tables are also shown below each Figure. Generally speaking it was found that those offenders with what could be considered the more negative characteristics such as unstable work record, irregular family relationships and prior criminal record, were more likely to default. The characteristic which had one of the most statistically significant relationships to defaulting in attendance was an unstable work record (earlier defined as four or more changes of employment during the 12 months preceding conviction).

- * Two-thirds of defaulters had an unstable work record compared to one-third of the non-defaulters -

$$\chi^2 = 25.59; \text{ d.f.} = 2; p < .001$$

However, almost one-half of the offenders with unstable work records did not default in attendance. Thus, although defaulters were more likely to have an unstable work record than a stable one, having an unstable work record in itself does not necessarily mean that an offender will default.

(Figure 32)

- * Similarly, two-thirds of the defaulters had irregular family backgrounds compared to just over one-third of the non-defaulters -

$$\chi^2 = 22.29; \text{ d.f.} = 2; p < .001$$

Once again, however, one-half of the offenders

with irregular family backgrounds did not default in attendance. Thus an irregular family background in itself does not mean an offender is more likely to default but those offenders who do default are more likely to have an irregular family background than a regular one.

(Figure 33)

- * Three-quarters of the offenders represented by counsel did not default in attendance while completing their work order sentence compared to 58% of those not represented by counsel who did not default -

$$\chi^2 = 7.71; \text{ d.f.} = 2; p < .05$$

On the other hand, two-thirds of the offenders not represented by counsel completed their work orders satisfactorily. Representation in court, although statistically related to defaulting, does not therefore provide a practical guide to the likelihood of an offender defaulting on the Work Order Scheme.

(Figure 34)

- * Offenders with a prior Children's Court record were more likely to default than those who did not have a Children's Court record (58% compared to 44%) -

$$\chi^2 = 7.79; \text{ d.f.} = 2; p < .05$$

However, almost one-half of the employees who did not default also had a prior Children's Court record.

(Figure 35)

- * Apart from previous offences dealt with by the Children's Court, the only other types of prior offences significantly related to defaulting were property offences. More than one-half the defaulters had prior convictions for property offences compared to slightly more than

one-third of the non-defaulters -

$$\chi^2 = 9.04; \text{ d.f.} = 2; p < .05$$

More than half the offenders with a prior conviction for property offences did, however, complete their work order sentence satisfactorily.

(Figure 36)

- * One in four defaulters had previously served a term of imprisonment compared to one in ten for the non-defaulters -

$$\chi^2 = 8.16; \text{ d.f.} = 2; p < .05$$

However, almost one-half of the offenders who had served a prior prison sentence did not default.

(Figure 37)

- * There was a close relationship between the two types of breakdowns - defaulting and recidivism. Almost two-thirds of those who defaulted in attendance were convicted of subsequent offences compared to one-third of those who did not default -

$$\chi^2 = 19.80; \text{ d.f.} = 2; p < .001$$

This information is however of little predictive value inasmuch as it is based on behaviour after sentencing rather than before it.

(Figure 38)

- * Of all the variables considered, subsequent imprisonment had the strongest relationship to defaulting in attendance. One-third of the defaulters subsequently went to prison compared to less than one in ten of the non-defaulters -

$$\chi^2 = 33.96; \text{ d.f.} = 2; p < .001$$

Whereas on all other variables statistically

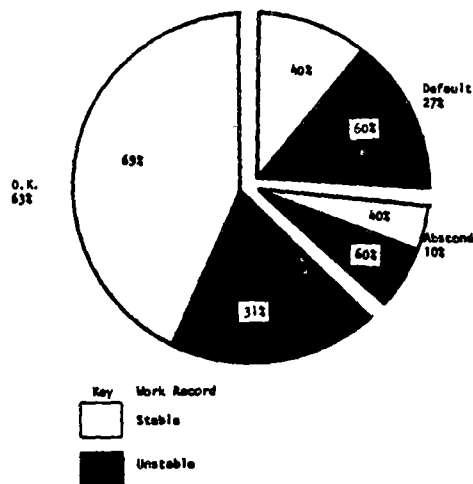


FIGURE 32 Proportional distribution showing the relationship between work order performance (satisfactory, defaulting or absconding) and work record (stable or unstable).

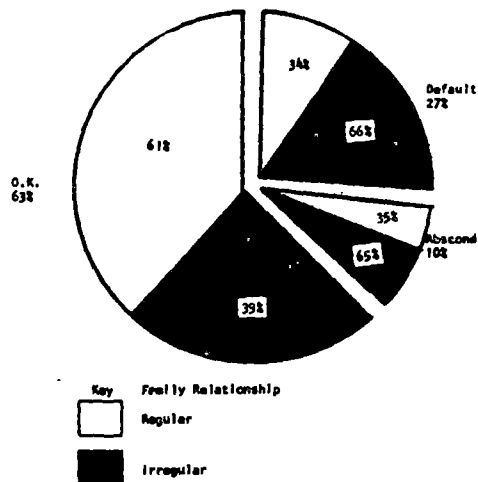


FIGURE 33 Proportional distribution showing the relationship between work order performance (satisfactory, defaulting or absconding) and Family relationships (regular or irregular).

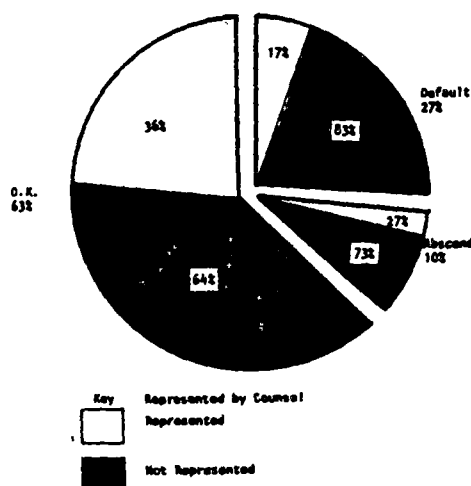


FIGURE 34 Proportional distribution showing the relationship between work order performance (satisfactory, defaulting or absconding) and representation by counsel.

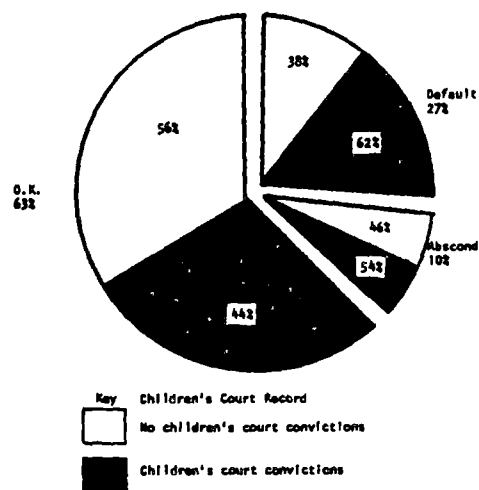
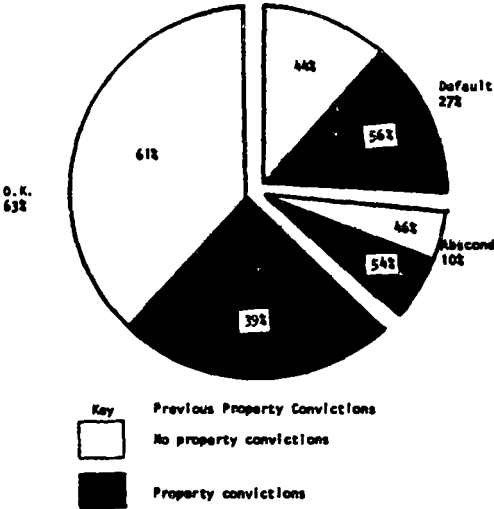


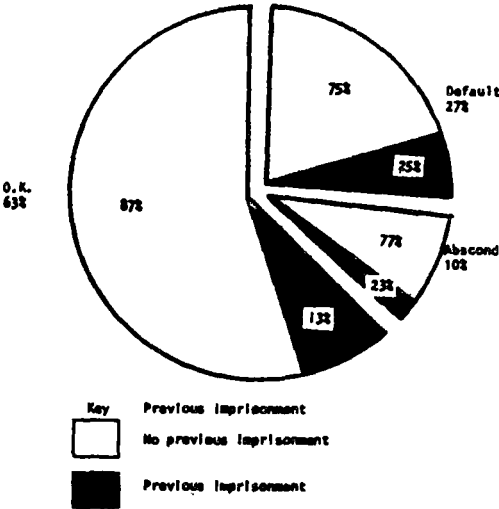
FIGURE 35 Proportional distribution showing the relationship between work order performance (satisfactory, defaulting or absconding) and Children's Court record.



Work Order Performance	Previous Property Convictions		
	No	Yes	
Satisfactory	131	83	214
Defaulters	40	51	91
Absconders	16	19	35
	185	153	340

$\chi^2 = 9.04$; d.f. = 2; sig. = 0.0109

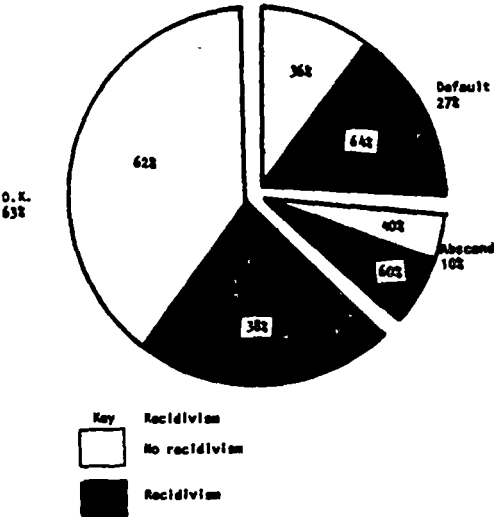
FIGURE 36 Proportional distribution showing the relationship between work order performance (satisfactory, defaulting or absconding) and previous property convictions.



Work Order Performance	Previous Imprisonment		
	No	Yes	
Satisfactory	187	27	214
Defaulters	68	23	91
Absconders	27	8	35
	282	58	340

$\chi^2 = 0.16$; d.f. = 2; sig. = 0.0169

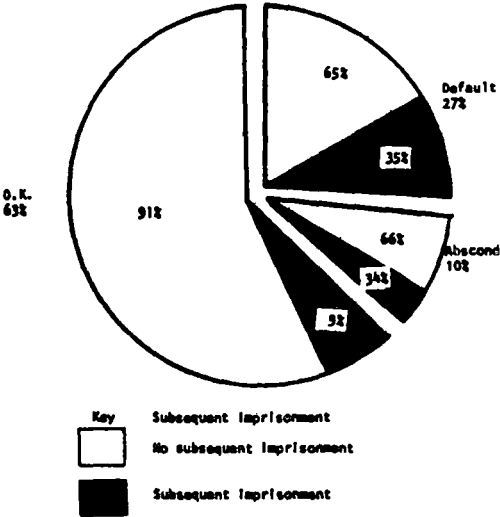
FIGURE 37 Proportional distribution showing the relationship between work order performance (satisfactory, defaulting or absconding) and previous imprisonment.



Work Order Performance	Recidivism		
	No	Yes	
Satisfactory	133	81	214
Defaulters	33	58	91
Absconders	14	21	35
	180	160	340

$\chi^2 = 19.80$; d.f. = 2; sig. = 0.0001

FIGURE 38 Proportional distribution showing the relationship between work order performance (satisfactory, defaulting or absconding) and recidivism.



Work Order Performance	Subsequent Imprisonment		
	No	Yes	
Satisfactory	194	20	214
Defaulters	59	32	91
Absconders	23	12	35
	276	64	340

$\chi^2 = 33.96$; d.f. = 2; sig. = 0.0000

FIGURE 39 Proportional distribution showing the relationship between work order performance (satisfactory, defaulting or absconding) and subsequent imprisonment.

related to defaulting, the characteristic was found in similar numbers (but lower proportions) of non-defaulters. This was not the case for subsequent imprisonment. Of those sentenced to a subsequent term of imprisonment more than two-thirds had defaulted in attendance while completing their work orders. Only one-third of those sentenced to a subsequent term of imprisonment had not defaulted in attendance on their work order sentence. Like recidivism however, this information is of little use in predicting the likelihood of defaulting because it is based on subsequent behaviour.

(Figure 39)

It is apparent that the single variable comparisons above are of limited predictive value in determining those offenders most likely to default. In all cases except subsequent imprisonment, variables which were statistically related to defaulting were found in comparable numbers (although smaller proportions) among those offenders who did not default. Given the inappropriateness of single variable comparisons for making valid predictions on defaulting, a multiple contingency table was compiled to determine whether combinations of those variables most statistically related to defaulting could be used for predictive purposes.

The variables used were: unstable work record, irregular family background, prior Children's Court record and prior prison record. The multiple contingency table compiled is shown in Table 17.

- * Of those offenders who had all four characteristics, namely an unstable work record, irregular family background, prior Children's Court record and a prior prison record,

Table 17. Multiple contingency table showing the relationship between defaulting in attendance and the various combinations of unstable work record, irregular family background, prior Children's Court convictions, and prior imprisonment, for offenders sentenced to work orders in 1974. Note: Some combinations did not include any cases. These are not shown.

Variable(s)	Non-defaulters		Defaulters	
	Number	Percentage	Number	Percentage
Nil	(65)	86.7%	(10)	13.3%
Unstable work record	(9)	47.4%	(10)	52.6%
Irregular family background	(18)	58.1%	(13)	41.9%
Prior Children's Court record	(32)	78.0%	(9)	22.0%
Prior imprisonment	(5)	83.3%	(1)	16.7%
Work and family	(12)	63.2%	(7)	36.8%
Work and Children's Court	(16)	55.2%	(13)	44.8%
Family and Children's Court	(17)	65.4%	(9)	34.6%
Family and prison	(5)	50.0%	(5)	50.0%
Children's Court and prison	(2)	66.7%	(1)	33.3%
Work and family and Children's Court	(18)	42.9%	(24)	57.1%
Work and Children's Court and prison	(5)	71.4%	(2)	28.6%
Work and family and prison	(5)	50.0%	(5)	50.0%
Family and Children's Court and prison	(4)	44.4%	(5)	55.6%
All	(1)	7.7%	(12)	92.3%
Total	(214)	62.9%	(126)	37.1%

92.3% defaulted in attendance, while 7.7% of offenders with all four characteristics did not default.

- * Of the offenders who had none of the above characteristics, only 13.3% defaulted while 86.7% did not default.
- * When an unstable work record only is considered, 52.6% of the offenders defaulted, and 47.4% did not default.
- * When an irregular family background only is considered, 41.9% of offenders defaulted while 58.1% did not default.
- * When a prior Children's Court record only is considered 22.0% defaulted, while 78.0% did not default. That is, offenders with a prior Children's Court record only, have a low rate of defaulting.
- * Similarly, when prior imprisonment only is considered 16.7% defaulted while 83.3% did not default.
- * In the intermediate cases with two or three of the characteristics present, the percentage of defaulters ranged from 28.6% to 57.1%.
- * Clearly, the best single variable indicators for identifying defaulters in the multiple contingency table were unstable work record and irregular family background. The combined effect of these variables is shown in the summary table below.

Variables	Non-defaulters		Defaulters	
	Number	Percentage	Number	Percentage
Stable work record & Regular family background	104	83.2%	21	16.8%
Unstable work record &/or Irregular family background	110	51.2%	105	48.8%

This shows that only 16.8% of offenders with a stable work record and a regular family background defaulted, compared to 48.8% of offenders with unstable work records and/or irregular family backgrounds. That is, nearly half of the offenders with an unstable work record or irregular family background defaulted. Further, offenders with unstable work records and/or irregular family backgrounds accounted for 105 of the 126 defaulters, or 83.3% of all the defaulters. This is the most dominant factor in defaulting. However, as over half of the offenders with unstable work records and/or irregular family backgrounds did not default, this is of little practical use in predicting and identifying potential defaulters from a sentencing point of view, but in an administrative sense, it does help identify where problems are most likely to occur.

The four variables used in the multiple contingency table were found to be significantly related to defaulting in the earlier exploratory analysis, and the strength of the relationship between these variables and defaulting was the basis for their inclusion in the multiple contingency table.

The characteristics analysed, however, were also found to be distributed among comparable numbers of offenders, although in lesser proportions, in the non-defaulting group. This makes such variables taken alone unreliable as indicators for predicting defaulting. Similarly, combinations of two and three variables proved to be unreliable in making predictions about defaulting and it is only when combinations of four variables are considered that a reliable indicator begins to emerge. In this analysis, the

four-variable combination provided a 92.3% level of accuracy in predicting those offenders likely to default but the fact that this accounted for only 9.5% of all the defaulters makes it of limited value.

The multiple contingency table has also shown that certain characteristics when considered alone (i.e. offenders to whom one variable may be applied and none of the others) may in fact be less likely to default. Thus, in this analysis, offenders who had a prior Children's Court record or a prior prison record but had a stable work record and regular family background had a very low rate of defaulting. Of the offenders who had a prior prison record alone, 83.3% did not default and of the offenders who had a prior Children's Court record alone, 78.0% did not default. It is therefore likely that offenders in both categories, contrary to what may be expected, could be placed on the scheme with a high degree of success at least in terms of defaulting in attendance.

Undoubtedly the levels of breakdown on the Work Order Scheme could be minimised with the use of stringent selection methods. It has been shown that fairly high proportions of offenders who default have such characteristics as an unstable work record, irregular family background, prior Children's Court record, and prior prison record. It has also been shown that in many cases offenders with such characteristics do not default. Thus while the implementation of stringent selection methods may minimise defaulting on the scheme, they would also exclude from the scheme many offenders who would have completed their work orders satisfactorily. The poor predictive value of variables considered independently and in combinations of twos and threes has been discussed earlier, and while combinations

of four variables may provide a reliable indicator they only account for a small number of the total defaulting group. On an intuitive level moreover, any offender who had all four characteristics in combination would undoubtedly be considered a "poor bet" for a work order sentence and in such a case a more objective indicator would appear to be unnecessary.

Thus, on the basis of the findings of this analysis, a worthwhile and useful predictive table for identifying those offenders most likely to default is difficult to devise with a high degree of accuracy. If such a table was devised it would without doubt result in an "over-kill" situation at the expense of those offenders who, given the chance, would not default. In view of the reasonably successful operation of the scheme, as outlined in Part III, such a predictive table would not seem to be warranted at this stage. Nevertheless, it may be useful in the placement of offenders to note that only 17% of those offenders with stable work records and regular family backgrounds are likely to default.

Recidivism -

Although the rates of recidivism of offenders sentenced to work orders, unlike defaulting, have no impact on the operation of the Work Order Scheme in an immediate sense, they do reflect on the overall success of the scheme as a form of punishment. Recidivism was therefore considered to be one of the two major areas in which breakdowns could occur.

During the follow-up period (6-18 months depending on the date on which the offender was sentenced), 47.1% of the work order employees were convicted of further offences.

Of the 19 variables considered, nine were significantly related to recidivism and these were:-

age
 work record
 marital status
 family background
 intelligence
 type of offence
 prior Children's Court record
 defaulting in attendance
 subsequent imprisonment

The relationship between each of these variables and recidivism is shown in Figures 40-46 except in the case of defaulting in attendance which has been dealt with earlier and subsequent imprisonment which, naturally enough, is in all cases related to recidivism. Chi-square frequency tables and levels of significance are also shown.

- * Of the work order employees who committed further offences, 92% were under 26 years of age -

$$\chi^2 = 24.63; \text{ d.f.} = 5; p < .001$$

The large number of young offenders who committed further offences is also related to the disproportionate weighting of young offenders on the scheme. On a proportionate basis, 52% of offenders under 26 years of age were convicted of further offences compared to 24% of the offenders over the age of 26.

(Figure 40)

- * More than half the recidivists had an unstable work record compared to one-third of the non-recidivists -

$$\chi^2 = 17.49; \text{ d.f.} = 1; p < .001$$

(Figure 41)

- * Three-quarters of the recidivists were single compared to two-thirds of the non-recidivists -

$$\chi^2 = 7.59; \text{ d.f.} = 1; p < .01$$

(Figure 42)

- * Offenders with irregular family backgrounds were more likely to be convicted of further offences than those with regular family backgrounds (56% compared to 42%) -

$$\chi^2 = 5.52; \text{ d.f.} = 1; p < .01$$

(Figure 43)

- * Offenders with average intelligence were less likely to recidivate than those with either above or below average intelligence -

$$\chi^2 = 6.73; \text{ d.f.} = 2; p < .05$$

(Figure 44)

- * Almost two-thirds of the recidivists had a prior Children's Court record compared to one-third of the non-recidivists -

$$\chi^2 = 16.16; \text{ d.f.} = 1; p < .001$$

(Figure 45)

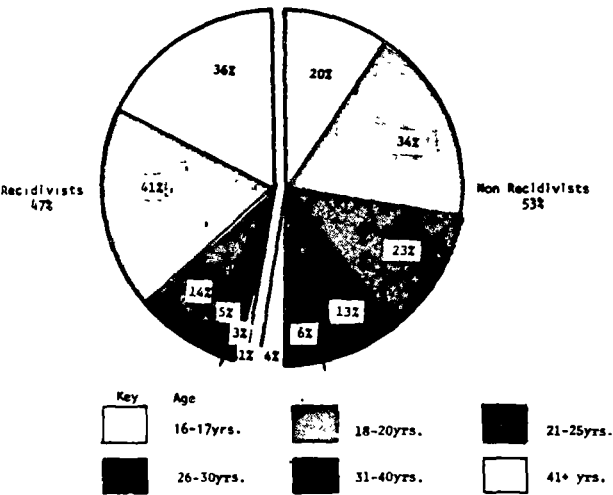
- * Less than one-third of the offenders sentenced to work orders for traffic offences were convicted of subsequent offences, while between 51% and 58% of offenders sentenced to work orders for crimes against the person, property and conduct offences committed subsequent offences -

$$\chi^2 = 23.12; \text{ d.f.} = 3; p < .001$$

(Figure 46)

A multiple contingency table was compiled to determine whether combinations of those variables most statistically related to recidivism could be used for predictive purposes. The four variables used were: up to 25 years of age, unstable work record, single, and prior Children's Court convictions. The multiple contingency table is shown in Table 18.

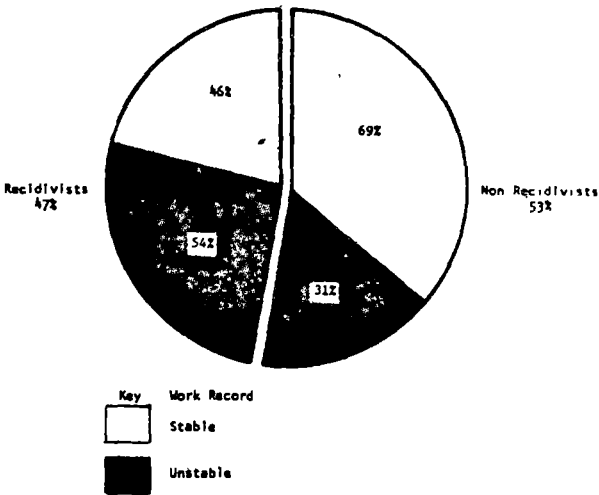
- * Of those offenders sentenced to work orders who were under



Recidivism	16-17yrs.	18-20yrs.	21-25yrs.	26-30yrs.	31-40yrs.	41+yrs.	
No	36	61	41	23	12	7	180
Yes	58	66	23	7	4	2	160
	94	127	64	30	16	9	340

$\chi^2 = 24.63$; d.f. = 5; sig. = 0.0002

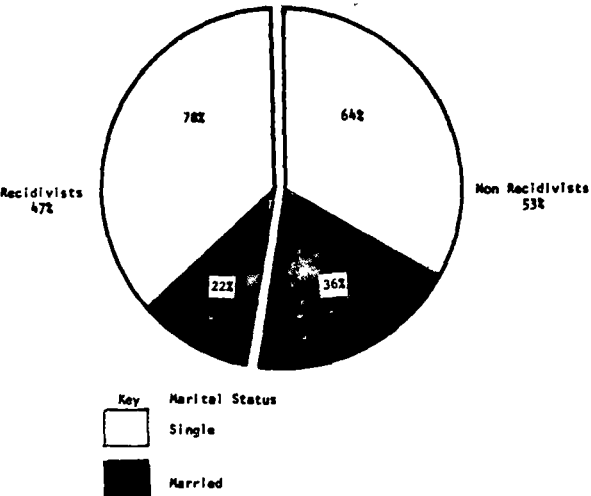
FIGURE 40 Proportional distribution showing relationship between recidivism and age.



Recidivism	Stable	Unstable	
No	121	54	175
Yes	72	85	157
	193	139	332

$\chi^2 = 17.49$; d.f. = 1; sig. = 0.0000

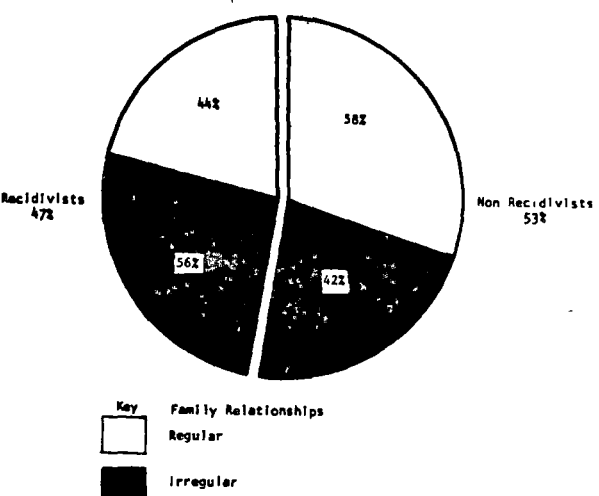
FIGURE 41 Proportional distribution showing the relationship between recidivism and work record (stable or unstable)



Recidivism	Single	Married	
No	114	65	179
Yes	124	35	158
	238	100	338

$\chi^2 = 7.59$; d.f. = 1; sig. = 0.0059

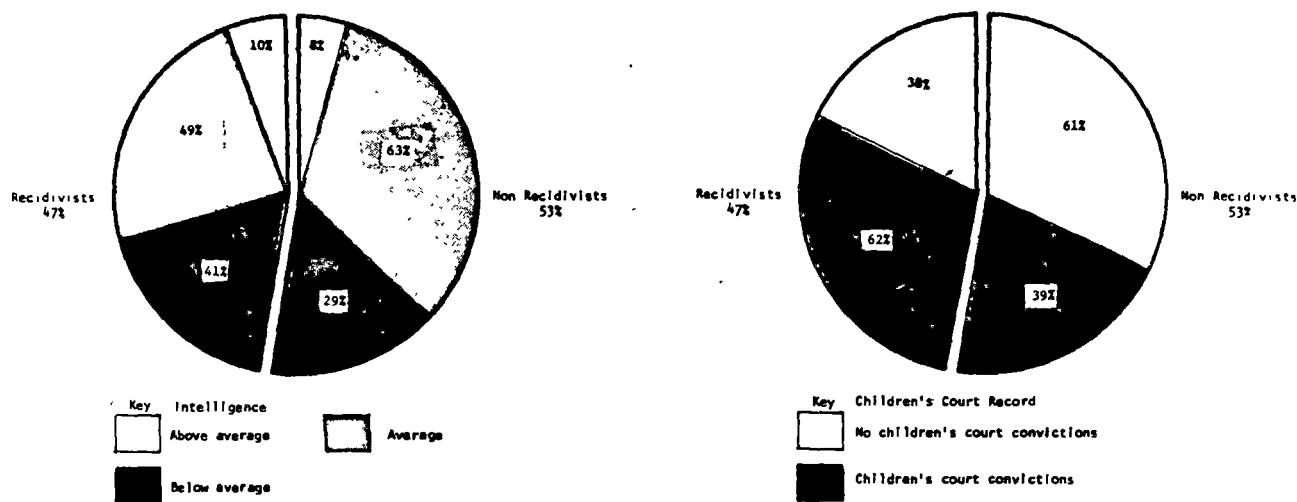
FIGURE 42 Proportional distribution showing the relationship between recidivism and marital status.



Recidivism	Regular	Irregular	
No	100	73	173
Yes	69	87	156
	169	160	329

$\chi^2 = 5.52$; d.f. = 1; sig. = 0.0188

FIGURE 43 Proportional distribution showing the relationship between recidivism and family relationships (regular or irregular).

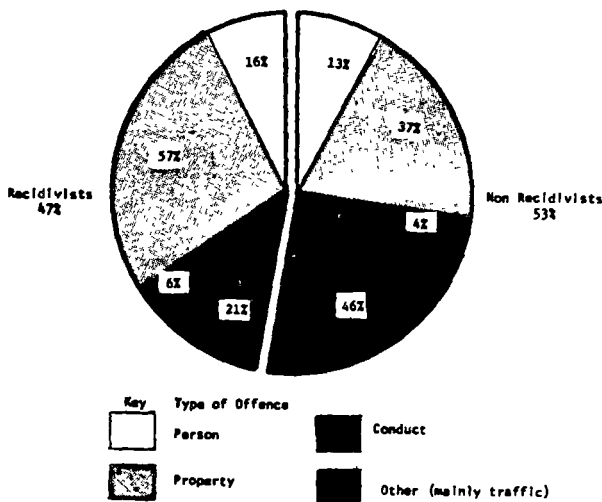


Recidivism	Intelligence			
	Above Average	Average	Below Average	
No	12	99	45	156
Yes	15	70	59	144
	27	169	104	300

FIGURE 44 Proportional distribution showing the relationship between recidivism and estimated intelligence (above average, average or below average).

Recidivism	Children's Court Record		
	No	Yes	
No	109	71	180
Yes	61	99	160
	170	170	340

FIGURE 45 Proportional distribution showing the relationship between recidivism and previous children's court record



Recidivism	Type of Offence				
	Person	Property	Conduct	Other (mainly traffic)	
No	24	66	8	82	180
Yes	25	92	9	34	160
	49	158	17	116	340

FIGURE 46 Proportional distribution showing the relationship between recidivism and type of offence (person, property, conduct and other - mainly traffic).

Table 18. Multiple contingency table showing the relationship between recidivism during a 6-18 month follow-up period and the various combinations of up to 25 years of age, unstable work record, single, and prior Children's Court record for offenders sentenced to work orders in 1974. Note: Some combinations did not include any cases. These are not shown.

Variable(s)	Non-recidivists		Recidivists	
	Number	Percentage	Number	Percentage
Nil	(42)	76.4%	(13)	23.6%
< 26 years of age	(15)	60.0%	(10)	40.0%
< 26 and unstable work record	(3)	42.9%	(4)	57.1%
< 26 and single	(45)	69.2%	(20)	30.8%
< 26 and prior Children's Court record	(7)	58.3%	(5)	41.7%
< 26, work and single	(14)	45.2%	(17)	54.8%
< 26, single and Children's Court	(27)	45.8%	(32)	54.2%
< 26, work and Children's Court	(6)	46.2%	(7)	53.8%
All	(21)	28.8%	(52)	71.2%
Total	(180)	52.9%	(160)	47.1%

26 years of age, were single, had an unstable work record and prior Children's Court convictions, 71.2% were convicted of subsequent offences. This compares to 28.8% of offenders who had all four characteristics and were not subsequently convicted of further offences.

- * Of the offenders who had none of the above characteristics, 76.4% were not convicted of subsequent offences compared to 23.6% who were.
- * The strongest single variable influence on recidivism in the multiple contingency table was age. No other single variable or combination of variables emerged which did not include the up-to-25-years-of-age variable. This of course was not surprising as 92% of the recidivists were under the age of 26. Thus amongst the group of recidivists, there were no offenders who had one characteristic alone apart from those who were under the age of 26 and had none of the other three characteristics.

A multiple contingency table was also prepared using up to 21 years of age as the age variable but this decreased the accuracy of the table.

The apparent influence of youth on the likelihood of committing further offences is, however, of little predictive value when it is considered that 48% of the work order employees under the age of 26 did not commit further offences. On the basis of the multiple contingency table, the only combinations of variables to emerge as even moderately reliable predictive indicators of recidivism were when all four characteristics were found or when none of the characteristics were found. Even then, the table could only identify 32.5% of the total number of recidivists with 71.2% accuracy making it of little practical value.

Predictive indicators of crime and recidivism have been attempted before, notably by the Gluecks (1959), Mannheim and Wilkins (1955) and Scott (1964), all with little success in a practically applicable sense. It therefore comes as little surprise that no practical and reliable indicator of defaulting and recidivism was able to be developed on the basis of the variables considered in this analysis. The development of reliable predictive indicators is of course contingent on the accurate determination of those variables which affect the behaviour being investigated. To date no such variables have been found which consistently reflect the likelihood of an offender defaulting or committing further offences. It would make the task of researchers considerably easier if offenders would oblige by being more obviously predictable in their criminal behaviour but in the unlikelihood of such a possibility, further research in this area is clearly warranted.

CONCLUSIONS

There is a predominance of certain types of characteristics amongst offenders who default in attendance on the Work Order Scheme and amongst those work order employees who later commit further offences. A large number of offenders on the scheme who do not default or commit further offences also have these characteristics. There is no clear way of determining whether an offender will complete his sentence satisfactorily and go on to lead a crime-free life and this is where the dilemma of sentencing begins.

The court is faced with the problem of imposing an appropriate penalty related to the gravity of the offence, yet at the same time it must consider the effect of the penalty on the offender and his fam-

ily, particularly with regard to the offender's prospects of mending his ways whether by deterrence or rehabilitation.

With these considerations in mind, the court must weigh up the suitability of an offender for a work order sentence against the likelihood of a breakdown.

Although at times the likelihood of an offender defaulting and/or committing further offences may seem great, either the offence and the circumstances surrounding it warrant some consideration for leniency, or the effects of a term of imprisonment could be considered detrimental to the future rehabilitation of the offender. A system of screening which may ensure a low level of breakdowns on the scheme, would exclude such considerations. In the last resort it is a matter of judgement to balance the potential risk to the community resulting from a breakdown on the scheme, against the potential harm to the offender if sentenced to a term of imprisonment.

In any case, if the Work Order Scheme was "saturated" or "flooded" with high risk offenders who did in fact regularly default, it is likely that neither the community nor the courts would continue to accept the scheme as an alternative sanction. Without public and judicial support, inevitably the scheme would rapidly be curtailed. Requests for assistance through the Work Order Scheme from individuals and particularly pensioners, and the increasing numbers of offenders being sentenced to work orders each year would indicate that community and court acceptance of the scheme was high and that the incidence of defaulting at least was not considered to be excessive.

Recidivism on the other hand cannot be immediately perceived and it must be remembered that punitive sanctions are, as much as anything,

a means of protecting the community. The Work Order Scheme was introduced as an alternative to imprisonment but if, over time, it was shown that offenders sentenced to work orders were more likely to commit further offences than their prison counterparts, thereby endangering and threatening the rights of the community, the scheme's apparent acceptance in the short term, would be equally short-lived.

The next section of this evaluation compares the recidivism rate of offenders sentenced to work orders to those offenders sentenced to a short term of imprisonment.

PART V

COMPARISON OF RECIDIVISM RATES

between

OFFENDERS SENTENCED TO WORK ORDERS

and

OFFENDERS SENTENCED TO A SHORT TERM

of

IMPRISONMENT

The imposition of a criminal sanction is, in some respects, seen as a means of protecting the community from criminal acts, and it follows that one of the primary aims of such sanctions is to reduce the incidence of crime, whether this be achieved by individual deterrence, general deterrence, rehabilitation, education, or simply by isolating the offender from the community.

The Work Order Scheme was introduced as an alternative sanction to a short-term prison sentence - primarily as a means of reducing the size of the prison population. But whatever the apparent benefits of the scheme, its value as a criminal sanction would have counted for little if it was found that offenders sentenced to work orders were more likely to commit further offences than offenders sentenced to a short term of imprisonment.

From a political point of view, a significantly higher recidivism rate amongst work order employees than amongst short-term prisoners would throw considerable doubt on the continued operation of the scheme. A scheme which not only appeared to be a "softer option" for offenders, but also resulted in a greater incidence of re-offending than its prison counterpart would be just cause for public concern.

From a practical, criminological point of view, correctional schemes which have lower rates of recidivism are generally considered superior to those which have higher rates and, as a general rule, recidivism is the key factor in measuring the success or failure of a system of punishment.⁵

⁵ This is not always the case and other factors must also be considered. Whereas capital punishment may be one hundred percent effective in reducing recidivism, its irreversible drastic nature and humanitarian considerations have made it increasingly unacceptable.

Irrespective of how well the Work Order Scheme may have appeared to be operating, the most crucial test for determining its success or failure relates to its effect on the rate of recidivism, and how this rate compares to its alternative - a short-term prison sentence.

This section of the evaluation compares the recidivism rates of the work order group of offenders to the short-term prison group of offenders.

METHOD

The 340 male offenders sentenced to work orders in the calendar year 1974 (described in the previous section of this evaluation) were compared to all male offenders sentenced to a term of imprisonment of up to three months during the same period - a total of 275. In consultation with Probation and Parole Officers and two Magistrates, a three-month prison sentence was considered to be a conservative equivalent to the maximum of a 25-day work order sentence that can be given for any one offence. No guidelines for the interchange of prison and work order sentences are specified in the legislation and each case is individually assessed by the court and the length of sentence left to its discretion. There were a few cases where offenders sentenced to work orders were considered to be facing a prison sentence of six months or more, but the majority were considered to come within a maximum of a three-month equivalent prison sentence category.

To determine the comparability of the two groups, the 19 variables considered for the Work Order Group in Part IV were used as the basis for collecting similar information on the short-term prison group. In the latter case, however, complete information on the 19 variables was not available. Such information as was available was used.

Furthermore, because of certain inherent differences between the two groups, it was not possible to record the data uniformly throughout and this was particularly applicable to the measures of length of sentence and the incidence of defaulting.

- * The basis for determining equivalent maximum sentences for the work order group and the short-term prison group has been outlined above. The length of short-term prison sentences were recorded in days up to a maximum of 90 or three months' imprisonment. The length of work order sentences were also recorded in days but in this case up to a maximum of 25 days which is the maximum penalty able to be imposed for any one offence. A work order sentence of 25 days would normally take six months to complete.
- * Defaulting in the prison group was obviously not the same as defaulting in the work order group. It is, after all, rather more difficult to abscond or fail to report whilst in prison than on a work order sentence. For the prison group, any misbehaviour which resulted in a charge being recorded on the prisoner's file (entered in red and thus readily identifiable) was classified as defaulting.

RESULTS AND DISCUSSION

RECIDIVISM:

Offenders who were convicted of subsequent offences up to June 30th, 1975 were included in the recidivism analysis. Depending on the month in which the offender was initially convicted, this allowed a maximum of 18 months/minimum six months in which further offences could be recorded.

Two measures of recidivism were used, the first being any court conviction, regardless of the offence or penalty imposed; and the second being any conviction resulting in a prison sentence regardless of the length of the prison sentence imposed.

Court Convictions -

- * During the follow-up period, a significantly greater proportion of the prison group were convicted of subsequent offences - 62% compared to the work order group's 47% -

$$x^2 = 12.73; \text{ d.f.} = 1; p < .001 \quad (\text{Figure 47})$$

Analysing the data further into the types of subsequent offences -

- * There were no significant differences between the two groups in the proportion of offenders convicted of subsequent offences for crimes against the person -

$$x^2 = 1.34; \text{ d.f.} = 1; p > .05 \text{ not significant.} \quad (\text{Figure 48})$$

- * The proportion of offenders convicted of subsequent property offences in the prison group at 28% was significantly higher than in the work order group at 21% -

$$x^2 = 3.88; \text{ d.f.} = 1; p < .05 \quad (\text{Figure 49})$$

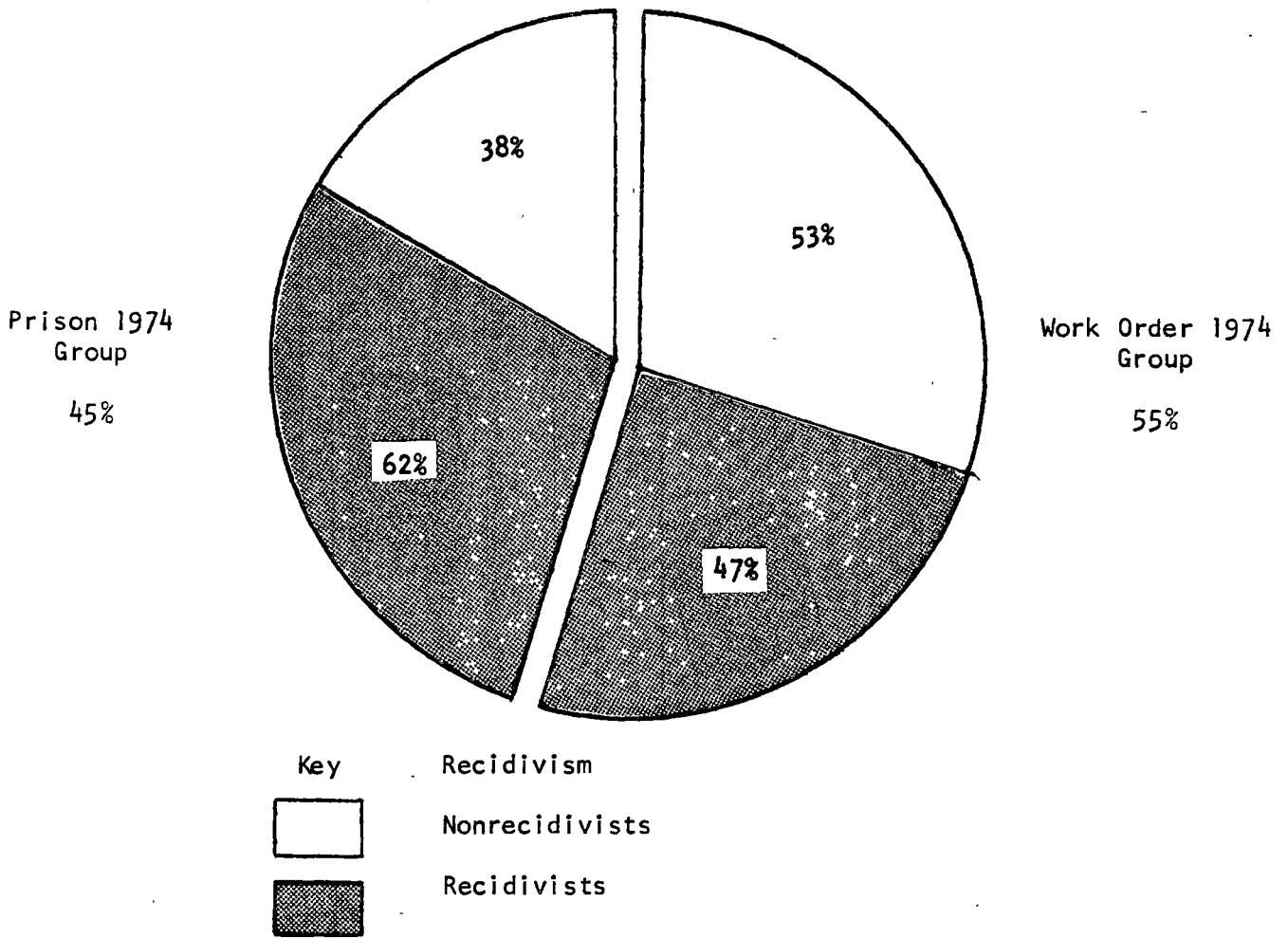
- * The proportion of offenders convicted of subsequent conduct offences in the prison group at 38% was significantly higher than in the work order group at 22% -

$$x^2 = 17.54; \text{ d.f.} = 1; p < .001 \quad (\text{Figure 50})$$

- * The two groups were similar in the proportion of offenders convicted of subsequent traffic offences -

$$x^2 = 1.45; \text{ d.f.} = 1; p > .05 \text{ not significant.} \quad (\text{Figure 51})$$

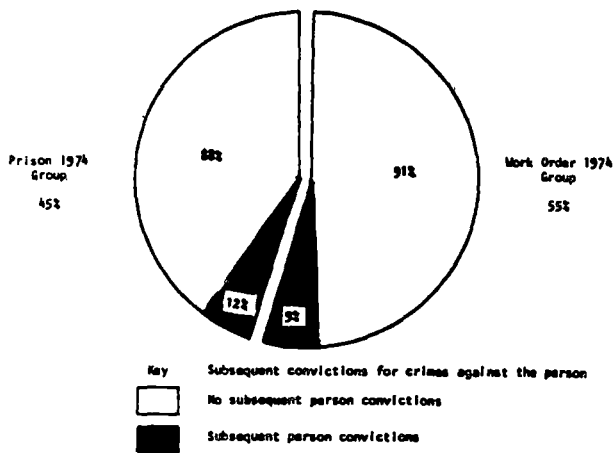
Although the criterion used for recidivism was a subsequent conviction made by the courts irrespective of the frequency of such, when the number of subsequent convictions is considered, a similar pattern emerges as shown in Table 19.



R E C I D I V I S M			
	Non recidivists	Recidivists	
Workorders	180	160	340
Prison	105	170	275
	285	330	615

$$\chi^2 = 12.73; \text{ d.f. } = 1; \text{ sig. } = 0.0004$$

FIGURE 47 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and recidivism.

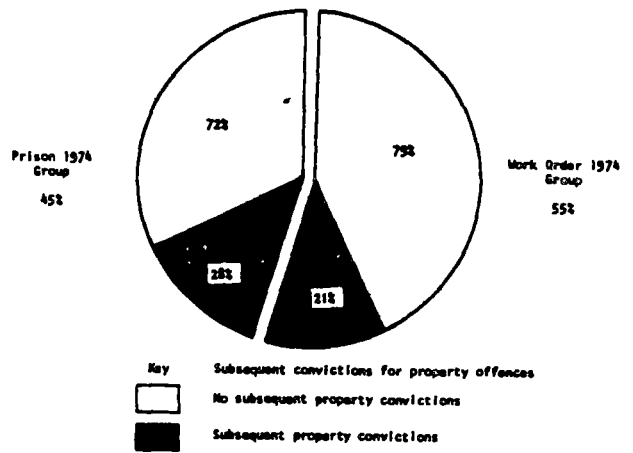


SUBSEQUENT CONVICTIONS FOR CRIMES AGAINST THE PERSON

	No	Yes	
Workorder	310	30	340
Prison	242	33	275
	552	63	615

$\chi^2 = 1.34$; d.f. = 1; sig. = 0.2469 NOT SIGNIFICANT

FIGURE 48 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and subsequent convictions for crimes against the person.

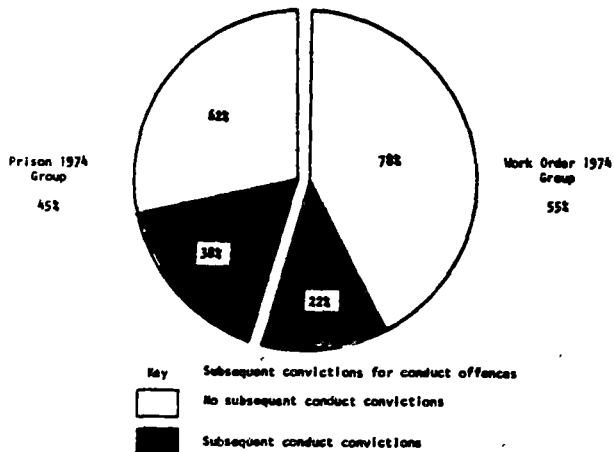


SUBSEQUENT CONVICTIONS FOR PROPERTY OFFENCES

	No	Yes	
Workorder	268	72	340
Prison	197	78	275
	465	150	615

$\chi^2 = 3.88$; d.f. = 1; sig. = 0.0489

FIGURE 49 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and subsequent convictions for property offences.

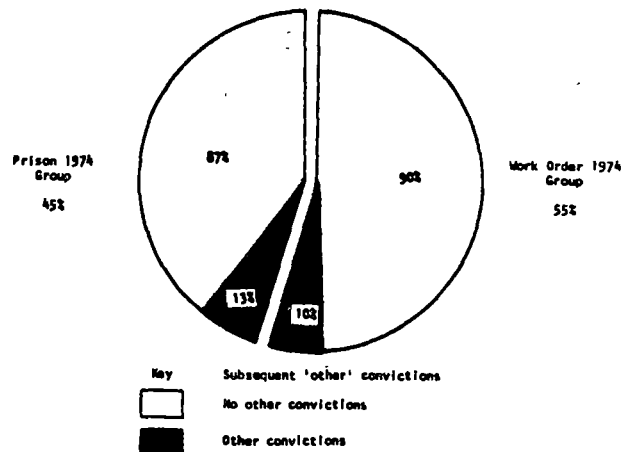


SUBSEQUENT CONVICTIONS FOR CONDUCT OFFENCES

	No	Yes	
Workorder	265	75	340
Prison	171	104	275
	436	179	615

$\chi^2 = 17.54$; d.f. = 1; sig. = 0.0000

FIGURE 50 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and subsequent convictions for conduct offences.



SUBSEQUENT "OTHER" CONVICTIONS

	No	Yes	
Workorder	306	34	340
Prison	238	37	275
	544	71	615

$\chi^2 = 1.45$; d.f. = 1; sig. = 0.2278 NOT SIGNIFICANT

FIGURE 51 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and subsequent other convictions.

Table 19. Results of t tests comparing the number of subsequent convictions in four offence categories for offenders sentenced to work orders and offenders sentenced to short-term prison sentences in 1974. The total number of subsequent convictions and the number of convictions resulting in a prison sentence are also shown.

Type of subsequent convictions	Group		Number of subsequent convictions	Mean	t	d.f.	p
Person	work order	74	33	0.10	1.21	613	> .05 n.s.
	prison	74	36	0.13			
Property	work order	74	127	0.37	1.70	613	> .05 n.s.
	prison	74	139	0.51			
Conduct	work order	74	107	0.31	5.82	613	< .001
	prison	74	261	0.95			
Traffic	work order	74	42	0.12	1.17	613	> .05 n.s.
	prison	74	45	0.16			
TOTAL	work order	74	309	0.91	5.23	613	< .001
	prison	74	481	1.75			
Subsequent imprisonment	work order	74	112	0.33	5.89	613	< .001
	prison	74	247	0.90			

- * The average number of all subsequent convictions for the prison group at 1.75 was nearly twice as many as for the work order group at 0.91 -

$t = 5.23; \text{ d.f.} = 613; p < .001$

- * The average number of convictions for subsequent conduct offences in the prison group at 0.95 was three times as many as for the work order group at 0.31 -

$t = 5.82; \text{ d.f.} = 613; p < .001$

- * There were no significant differences between the two groups in the number of subsequent convictions for property offences -

$t = 1.70; \text{ d.f.} = 613; p > .05$ not significant

crimes against the person -

$t = 1.21; \text{ d.f.} = 613; p > .05$ not significant

or traffic offences -

$t = 1.17; \text{ d.f.} = 613; p > .05$ not significant

Thus, on the basis of these findings, recidivism, as measured by any subsequent conviction, was at least no worse for the work order group than for the short-term prison group. Moreover, on some measures, recidivism amongst offenders in the work order group was significantly less. This was particularly so of the overall recidivism rate where 62% of the short-term prison group were convicted of subsequent offences compared to 47% of the work order group.

Subsequent Imprisonment -

It could be argued that a measure of recidivism which only takes into account the proportion of offenders convicted of subsequent offences or number of subsequent convictions, does not distinguish between the seriousness of the subsequent offences or the circumstances surround-

ing them. It could be that offences committed by the short-term prison group were of a particularly trivial or minor nature while those committed by offenders in the work order group were more serious. In this case, the apparently lower rates of recidivism amongst work order employees would be of greater public concern than the apparently higher rates amongst short-term prisoners.

As a measure of the seriousness with which the court viewed the offence, the nature of the sanction imposed for subsequent offences was considered. Given that the courts have available to them a number of sanctions which they may impose ranging from a simple conviction recorded to the "end of the line" option of imposing a prison sentence, subsequent imprisonment may be used as a gauge to determine whether the offence and/or the circumstances surrounding it were considered sufficiently serious by the court to warrant such a sentence.

- * During the follow-up period, a significantly greater proportion of the prison group were sentenced to a subsequent term of imprisonment than the work order group (40% compared to 19%) -

$$\chi^2 = .32.57; \text{ d.f.} = 1; p < .001$$

(Figure 52)

- * The number of subsequent imprisonments also differed between the two groups with the prison group receiving an average of 0.90 subsequent imprisonments compared to 0.33 for the work order group -

$$t = 5.89; \text{ d.f.} = 613; p < .001$$

(Table 19)

- * The distribution of other court sanctions for subsequent convictions was also analysed and showed no significant differences between the two groups in the proportion of offenders being

fined (28% for the prison group compared to 25% for the work order group) -

$\chi^2 = 0.44$; d.f. = 1; $p > .05$ not significant (Figure 53)

or being placed on a probation order (8% for the prison group compared to 4% for the work order group) -

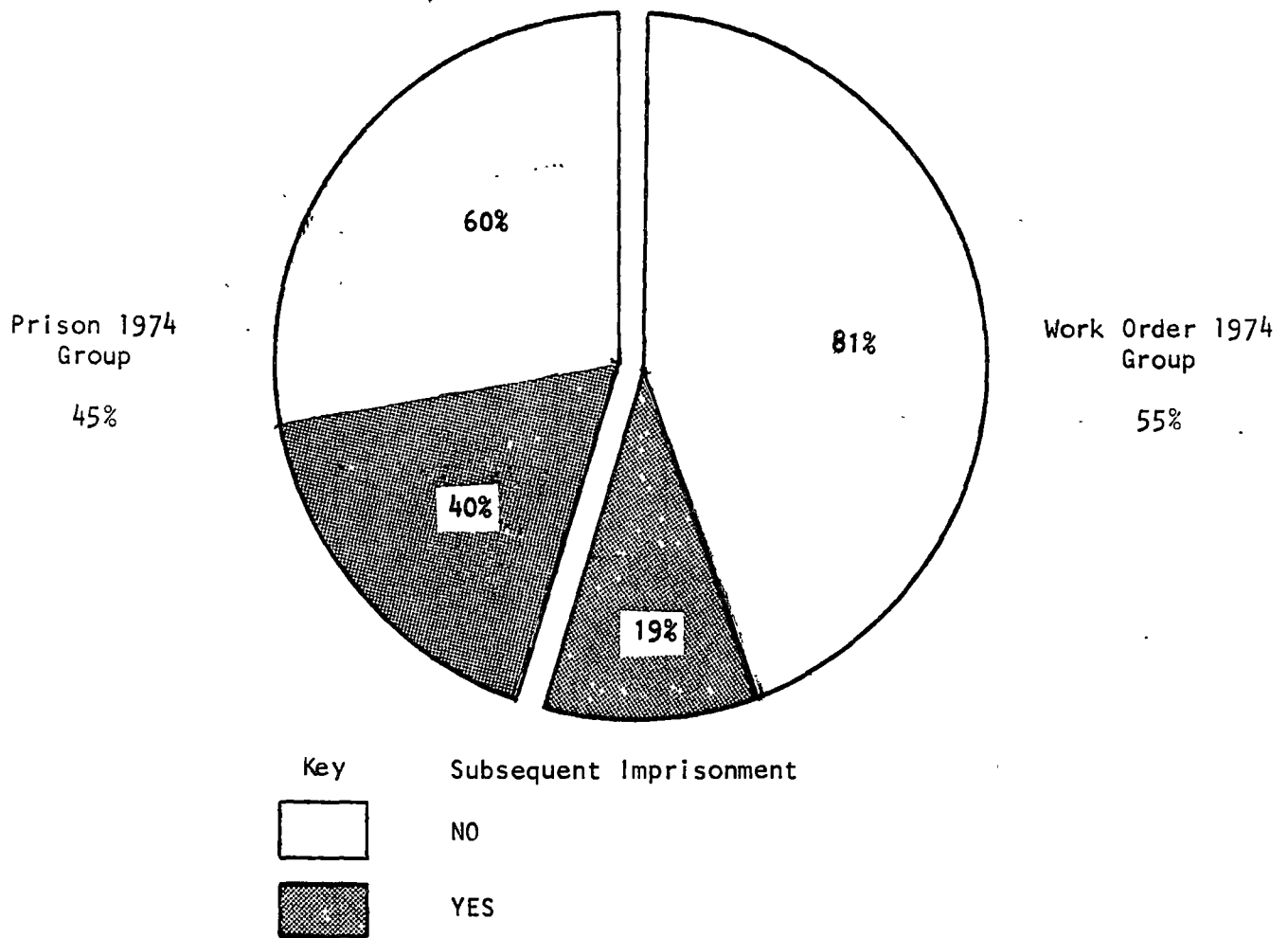
$\chi^2 = 3.53$; d.f. = 1; $p > .05$ not significant (Figure 54)

There was, however, a marginally significant difference between the two groups in the proportion of offenders being sentenced to work orders for subsequent offences (11% of the work order group compared to 6% of the prison group) -

$\chi^2 = 3.87$; d.f. = 1; $p < .05$ (Figure 55)

Thus, on all counts considered, recidivism for the work order group was at least no worse than for the short-term prison group and on the basis of the two major recidivism measures - the proportion of offenders convicted of subsequent offences and the imposition of a term of imprisonment for the offences committed - the work order group fared better. Not only was a significantly smaller proportion of the work order group convicted of subsequent offences (42% compared to 62%), but a smaller proportion of the work order group was sentenced to a subsequent term of imprisonment (19% compared to 40%).

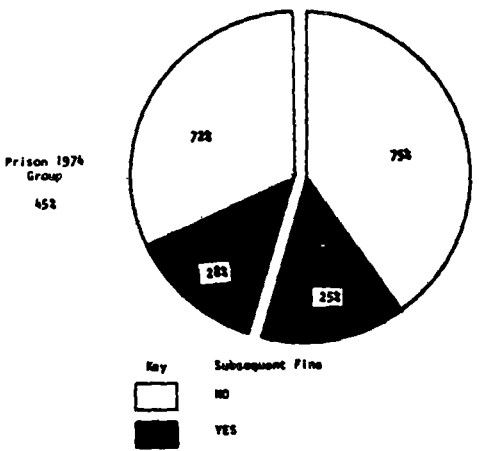
The results obtained so far would tend to indicate that a work order sentence may be more effective in reducing recidivism than a short term of imprisonment. Differences in the recidivism rates, however, may have been as a result of inherent differences between the two groups rather than on the basis of the effect of the type of sentence imposed. If, for example, it was shown that offenders sentenced to



	Subsequent Imprisonment		
	No	Yes	
Workorder	276	64	340
Prison	165	110	275
	441	174	615

$$\chi^2 = 32.57; \text{ d.f.} = 1; \text{ sig.} = 0.0000$$

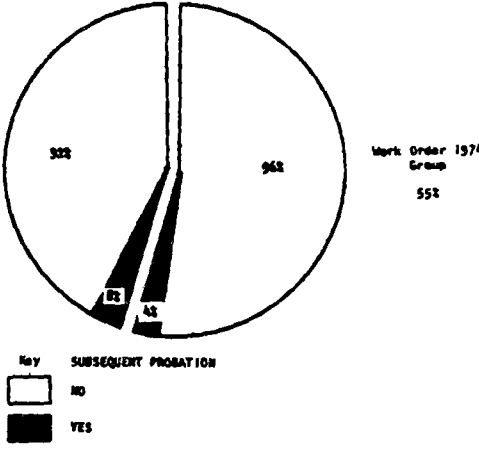
FIGURE 52 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and subsequent imprisonment for further offences.



	SUBSEQUENT FINE		
	No	Yes	
Workorder	254	86	340
Prison	198	77	275
	452	163	615

$\chi^2 = 0.66$; d.f. = 1; sig. = 0.5067 NOT SIGNIFICANT

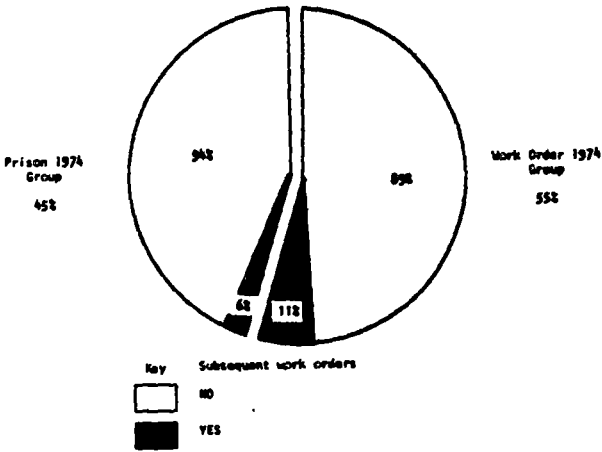
FIGURE 53 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and subsequent fines.



	SUBSEQUENT PROBATION		
	No	Yes	
Workorder	327	13	340
Prison	254	21	275
	581	34	615

$\chi^2 = 3.53$; d.f. = 1; sig. = 0.0602 NOT SIGNIFICANT

FIGURE 54 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and subsequent probation orders.



	SUBSEQUENT WORK ORDERS		
	No	Yes	
Workorder	304	36	340
Prison	259	16	275
	563	52	615

$\chi^2 = 3.87$; d.f. = 1; sig. = 0.0490

FIGURE 55 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and subsequent work order sentences.

prison had characteristics which differed significantly to the characteristics of offenders sentenced to work orders, comparisons of recidivism between the two groups would not really be valid.

SIMILARITIES AND DIFFERENCES BETWEEN THE 1974 WORK ORDER AND SHORT-TERM PRISON GROUPS:

A comparison was made between the 340 offenders sentenced to work orders and the 275 offenders sentenced to a term of imprisonment of up to three months on the basis of the variables for which comparable information was available.

Similarities -

- * Both groups had a similar proportion of offenders from each of the five regions. Although there were twice as many offenders from the West Coast region (a 'frontier-type' mining area) in the prison group, this difference was not statistically significant -

$$\chi^2 = 8.50; \text{ d.f.} = 4; p > .05 \text{ not significant} \quad (\text{Figure 56})$$

- * There were no significant differences between the two groups for the month in which the offenders were sentenced -

$$\chi^2 = 12.34; \text{ d.f.} = 11; p > .05 \text{ not significant} \quad (\text{Figure 57})$$

- * Differences in the occupational status of offenders in the two groups were not significant -

$$\chi^2 = 0.23; \text{ d.f.} = 3; p > .05 \text{ not significant} \quad (\text{Figure 58})$$

- * Both groups had similar proportions of single and married offenders -

$$\chi^2 = 0.02; \text{ d.f.} = 1; p > .05 \text{ not significant} \quad (\text{Figure 59})$$

- * The proportion of offenders with prior criminal records was similar between the two groups -

$$\chi^2 = 0.01; \text{ d.f.} = 1; p > .05 \text{ not significant} \quad (\text{Figure 69})$$

Differences -

- * There were significant differences between the two groups in the ages of offenders with offenders in the prison group being older -

$$\chi^2 = 64.00; \text{ d.f.} = 5; p < .001 \quad (\text{Figure 60})$$

- * Offenders in the prison group had left school at an earlier age than those in the work order group -

$$\chi^2 = 33.94; \text{ d.f.} = 3; p < .001 \quad (\text{Figure 61})$$

The differences in age and levels of education between the two groups are probably related in that the school leaving age has tended to increase over the years. The younger offenders found in the work order group would therefore have been more likely to have attended school for a longer period of time, while those in the prison group, being older, would probably have left school at an earlier stage.

- * There were significant differences between the two groups in the type of primary offence for which offenders had been convicted. The work order group had a higher proportion of property offenders while the prison group had a higher proportion of conduct offenders -

$$\chi^2 = 54.79; \text{ d.f.} = 3; p < .001 \quad (\text{Figure 62})$$

- * The length of the sentences imposed, although crudely matched, also differed between the two groups. This comparison would not, however, seem a valid one. There are obvious difficul-

ties in comparing the length of a work order sentence with that of a prison sentence. On the one hand, a work order employee is free to lead a normal life for the greater part of the week with the only disruption to his routine being the requirement to work one day a week on a community project. On the other hand, a prison sentence represents a complete disruption to the normal life of an offender involving a complete loss of liberty -

$$\chi^2 = 59.83; \text{ d.f.} = 5; p < .001 \quad (\text{Figure 63})$$

- * Not surprisingly, there were fewer incidents of defaulting in the prison group. Whereas failing to report on a work order project is a relatively simple matter, it is rather more difficult not to attend whilst in prison -

$$\chi^2 = 66.64; \text{ d.f.} = 1; p < .001 \quad (\text{Figure 71})$$

Factors Influencing the Type of Sentence Imposed -

It is apparent that the work order and short-term prison groups were not comparable in all respects and the factors which influenced the type of sentence imposed warrant further examination.

Type of Offence:

Here it must be remembered that it is the short-term prison group and its alternative, the work order group, which are being compared. This excludes from consideration offenders convicted of the more serious types of offences such as bank robbery, rape, murder, etc. In such cases, lengthy prison sentences would presumably be imposed and the option of a work order sentence would not be considered. Given the types of offences being considered, it is possible to distinguish between certain types of offences, particularly conduct

offences, which were more likely to result in a work order sentence and those more likely to result in a prison sentence.

If the conduct offence was a court violation such as failure to pay fines or maintenance, or contempt of court, a prison sentence was typically imposed. Similarly, the old alcoholics charged with vagrancy, with being drunk and disorderly or drunk and incapable were usually, but not always, sentenced to prison rather than placed on a work order. The types of conduct offences which resulted in a work order sentence tended to be more of an anti-social nature typically associated with youth, such as disturbing the peace by fighting, disorderly conduct, indecent language, creating a nuisance and so on.

The type of sentence imposed for property offences related more to the previous criminal history of the offender than to the value of the property involved or to any inherent qualities of the offences themselves.

Bearing in mind that contempt of court offences typically resulted in a prison sentence, this was not the case for the offence of driving whilst disqualified. Although driving whilst disqualified is generally regarded by the courts as contempt of court, there was no consistent pattern in the sentencing of this type of offender. Thirty were sentenced to imprisonment and thirty to work orders for driving whilst disqualified.

Prior Criminal Record:

A prior criminal record did not necessarily exclude an offender from consideration for a work order sentence (see Part IV) but the number and types of prior offences did affect the type of sentence imposed.

- * A prior Children's Court record was not significantly related to the type of sentence imposed. Of the prison group 45% had a Children's Court record compared to 50% of the work order group -

$$\chi^2 = 1.50; \text{ d.f.} = 1; p > .05 \text{ not significant} \quad (\text{Figure 64})$$

- * Offenders with prior convictions for crimes against the person were more likely to receive a prison sentence. Of the prison group, 31% had prior convictions for crimes of this nature compared to 14% of the work order group -

$$\chi^2 = 25.26; \text{ d.f.} = 1; p < .001 \quad (\text{Figure 65})$$

- * Offenders with prior convictions for property offences were more likely to receive a prison sentence. Of the prison group, 66% had prior convictions of this nature compared to 45% of the work order group -

$$\chi^2 = 26.66; \text{ d.f.} = 1; p < .001 \quad (\text{Figure 66})$$

- * Prior convictions for conduct offences were also related to the type of sentence imposed and 60% of the prison group had prior convictions of this nature compared to 51% of the work order group -

$$\chi^2 = 4.36; \text{ d.f.} = 1; p < .05 \quad (\text{Figure 67})$$

- * A prior court traffic record was not significantly related to the type of sentence imposed. Of the prison group, 20% had a prior court traffic record compared to 16% of the work order group -

$$\chi^2 = 1.50; \text{ d.f.} = 1; p > .05 \text{ not significant} \quad (\text{Figure 68})$$

- * Prior imprisonment was one of the factors most strongly related to the type of sentence imposed, with 46% of the prison group having previously

served a term of imprisonment compared to
17% of the work order group -

$$\chi^2 = 58.61; \text{ d.f.} = 1; p < .001$$

(Figure 70)

In sum, the 1974 prison group had a significantly higher proportion of offenders who had prior convictions for crimes against the person, property offences and conduct offences. It also had a significantly higher proportion of offenders who had previously been to prison.

The actual number of prior convictions further highlights the differences between the two groups. The results of a series of t tests on the number of prior convictions for each type of offence committed by offenders in the 1974 work order and short-term prison groups are shown in Table 20.

- * Offenders in the work order group had an average of 4.17 prior convictions compared to the prison group's 6.73 -

$$t = 7.03; \text{ d.f.} = 613; p < .001$$

- * The number of prior convictions for crimes against the person was significantly higher in the prison group at 0.59 compared to 0.22 for the work order group -

$$t = 4.97; \text{ d.f.} = 613; p < .001$$

- * The number of prior convictions for property offences was significantly higher in the prison group at an average of 2.43 compared to 0.90 for the work order group -

$$t = 8.64; \text{ d.f.} = 613; p < .001$$

- * The number of prior convictions for conduct offences was significantly higher in the prison group at 1.97 compared to 1.30 for the work order group -

$$t = 3.65; \text{ d.f.} = 613; p < .001$$

- * The average number of prior prison sentences served was significantly higher in the prison group at 2.02 compared to 0.46 for the work order group -

$t = 7.03; \text{ d.f.} = 613; p < .001$

- * There were no significant differences between the two groups in the number of prior Children's Court convictions with an average of 1.41 for the work order group compared to 1.30 for the prison group -

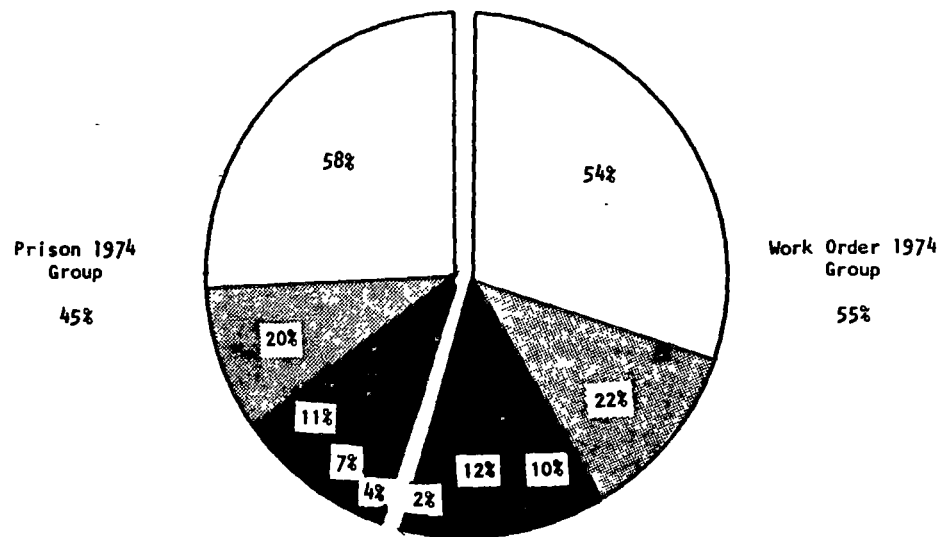
$t = 0.66; \text{ d.f.} = 613; p > .05$ not significant

nor in the number of prior court traffic convictions with an average of 0.44 for the prison group compared to 0.34 for the work order group -

$t = 1.17; \text{ d.f.} = 613; p > .05$ not significant

It is therefore apparent that the 1974 work order group and the 1974 short-term prison group were not really comparable. Not only were there quite marked differences in the characteristics of offenders in both groups but also in terms of their prior criminal histories.

On the basis of these findings, the results obtained in the recidivism analysis, although showing that the work order group had a significantly lower recidivism rate than the short-term prison group, cannot validly be linked to differences in the type of sentence imposed. More likely they would be due to the inherent differences in the composition of the two groups. It has been found that there were significant differences between the prior criminal records of offenders in the work order group and offenders in the prison group and it is this characteristic particularly which, in other studies, has been shown to at least have a significant bearing on, if not a reasonable indicator of, recidivism (Mannheim and Wilkins 1955).

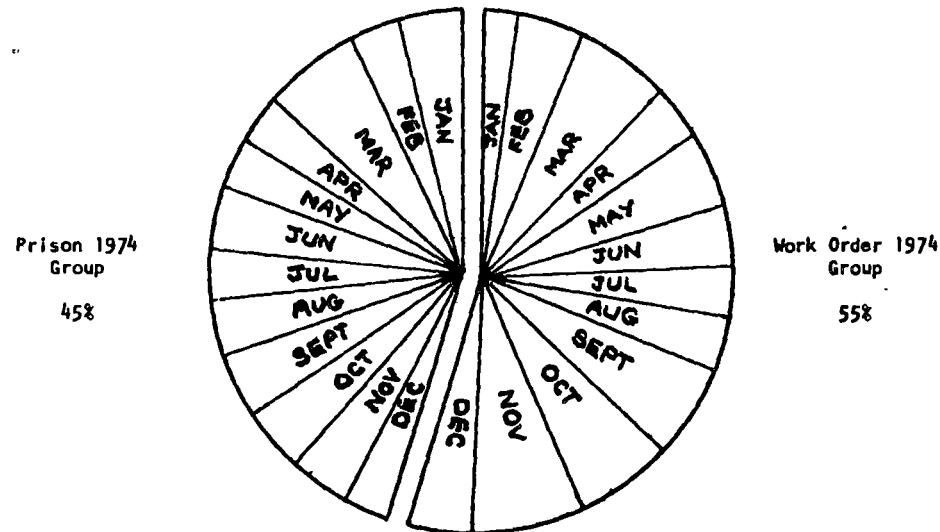


REGION

	Hobart	Launceston	Devonport	Burnie	West Coast	
Workorder	183	74	34	43	6	340
Prison	159	55	29	20	12	275
	342	129	63	63	18	615

$\chi^2 = 8.50$; $df = 4$; $sig. = 0.0748$ NOT SIGNIFICANT

FIGURE 56 Proportionate regional distribution for individuals sentenced to work orders and short term imprisonment, 1974.

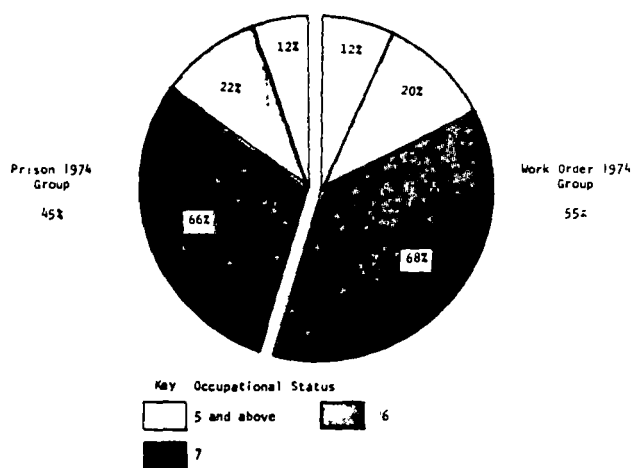


MONTH

	Jan.	Feb.	Mar.	Apr.	May	June	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.
Workorder	12	23	34	21	28	29	30	26	33	35	42	27
Prison	27	18	24	21	19	23	19	18	25	32	30	19
	39	41	58	42	47	52	49	44	58	67	72	46

$\chi^2 = 12.34$; $df. = 11$; $sig. = 0.3387$ NOT SIGNIFICANT

FIGURE 57 Proportionate monthly distribution for individuals sentenced to work orders and short term imprisonment, 1974.

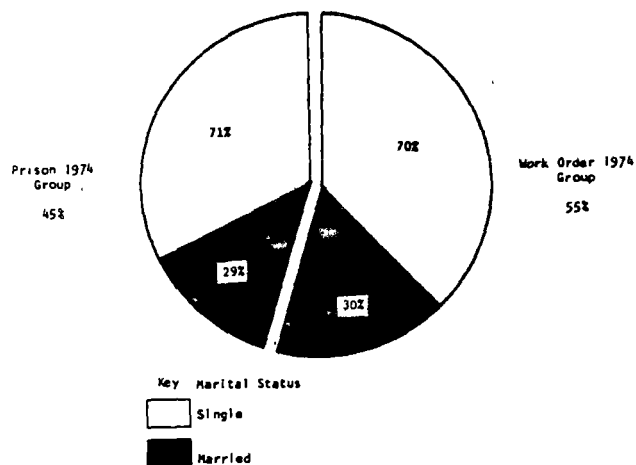


O C C U P A T I O N A L S T A T U S

	4	5	6	7	
Workorder	4	37	68	227	336
Prison	3	30	60	182	275
	7	67	128	409	611

$\chi^2 = 0.24$; d.f. = 3; sig. = 0.9703 NOT SIGNIFICANT

FIGURE 58 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and occupational status according to the Congalton Scale.



	MARITAL STATUS		
	Single	Married	
workorders	238	100	338
Prison	196	79	275
	434	179	613

$\chi^2 = 0.02$; d.f. = 1. sig. = 0.8861 NOT SIGNIFICANT

FIGURE 59 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and marital status.

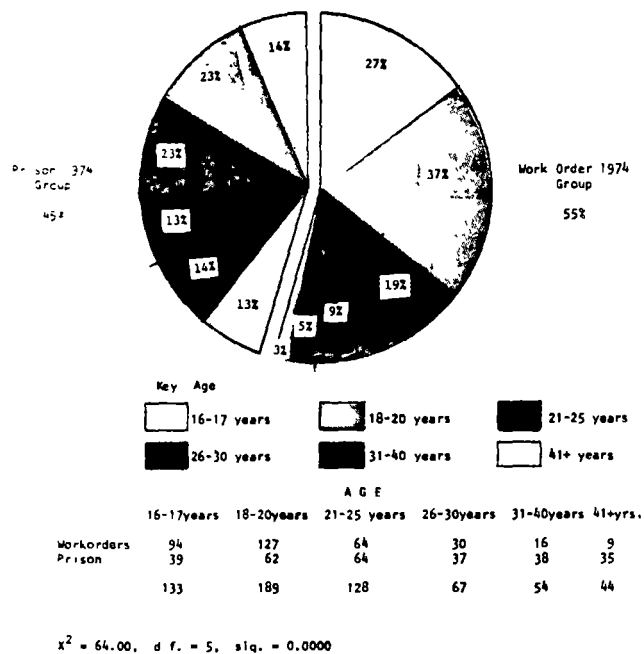


FIGURE 60 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and age.

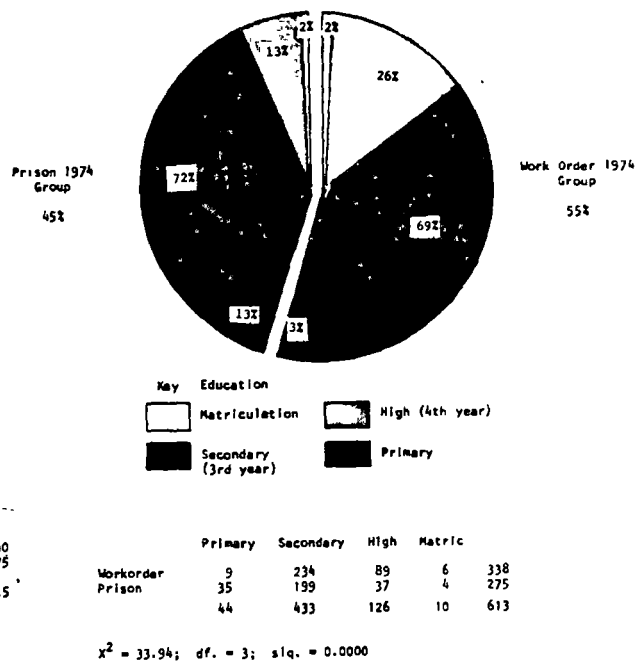
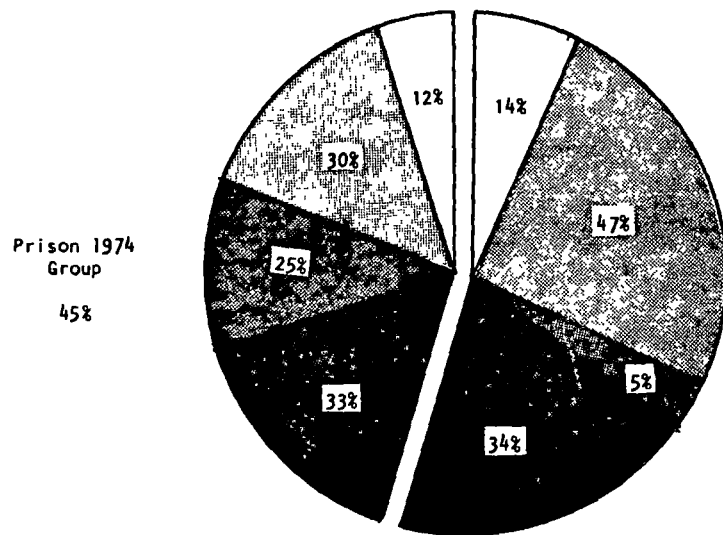


FIGURE 61 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and level of education

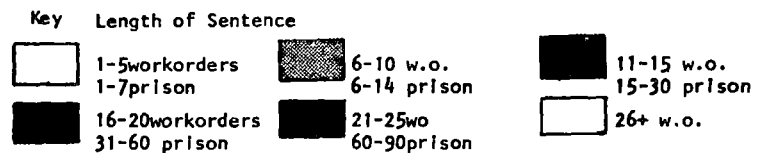
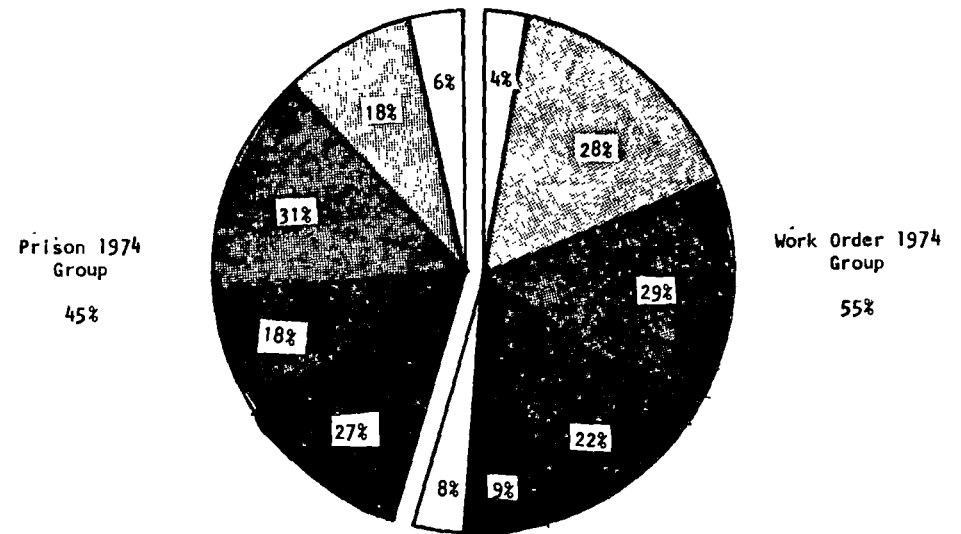


OFFENCE

	Person	Property	Conduct	Other	
Workorder	49	158	17	116	340
Prison	34	83	69	89	275
	83	241	86	205	615

$$\chi^2 = 54.79; \text{ d.f. } = 3; \text{ sig. } = 0.0000$$

FIGURE 62 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and type of primary offence for which the sentence was given.

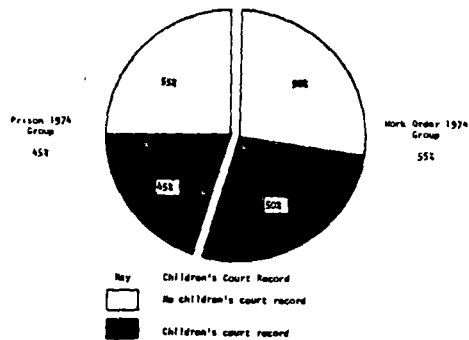


LENGTH OF SENTENCE

	1-5wo	6-10wo	11-15wo	16-20wo	21-25wo	26+wo	
	1-7pris.	8-14pris.	15-30pris.	31-60pris.	60-90pris.		
Workorders	13	96	97	76	32	26	340
Prison	17	49	86	48	75	0	275
	30	145	183	124	107	26	615

$$\chi^2 = 59.83; \text{ d.f. } = 5; \text{ sig. } = 0.0000$$

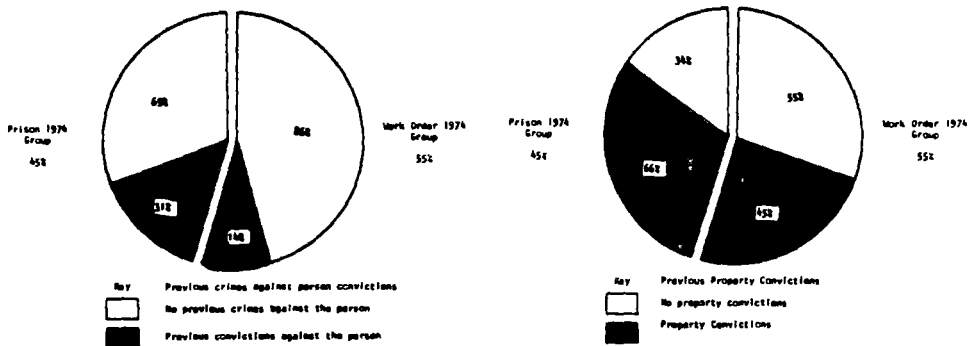
FIGURE 63 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and length of sentence.



CHILDREN'S COURT RECORD

$\chi^2 = 1.50, d.f. = 1, sig. = 0.2223$ NOT SIGNIFICANT

FIGURE 64 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and children's court record.



PREVIOUS CRIMES AGAINST THE PERSON CONVICTIONS

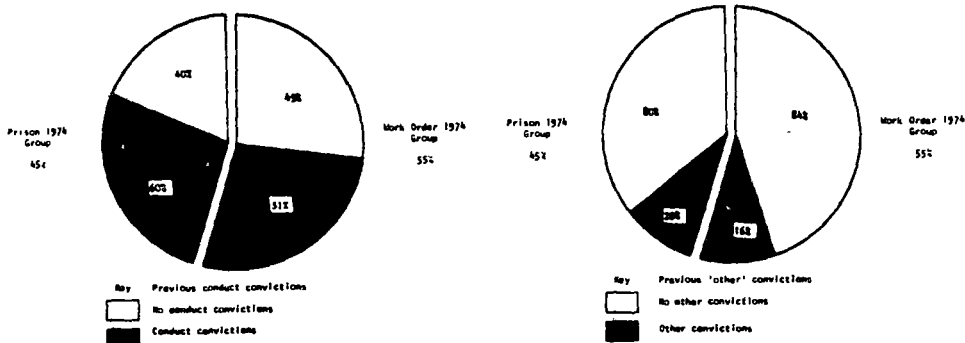
$\chi^2 = 25.25, d.f. = 1, sig. = 0.000$

PREVIOUS PROPERTY CONVICTIONS

$\chi^2 = 26.66, d.f. = 1, sig. = 0.000$

FIGURE 65 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and previous convictions for crimes against the person

FIGURE 66 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and previous convictions for crimes against property



PREVIOUS CONDUCT CONVICTIONS

$\chi^2 = 4.36, d.f. = 1, sig. = 0.0369$

PREVIOUS "OTHER" CONVICTIONS

$\chi^2 = 1.50, d.f. = 1, sig. = 0.2212$ NOT SIGNIFICANT

FIGURE 67 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and previous convictions for conduct offenses.

FIGURE 68 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and previous other convictions.

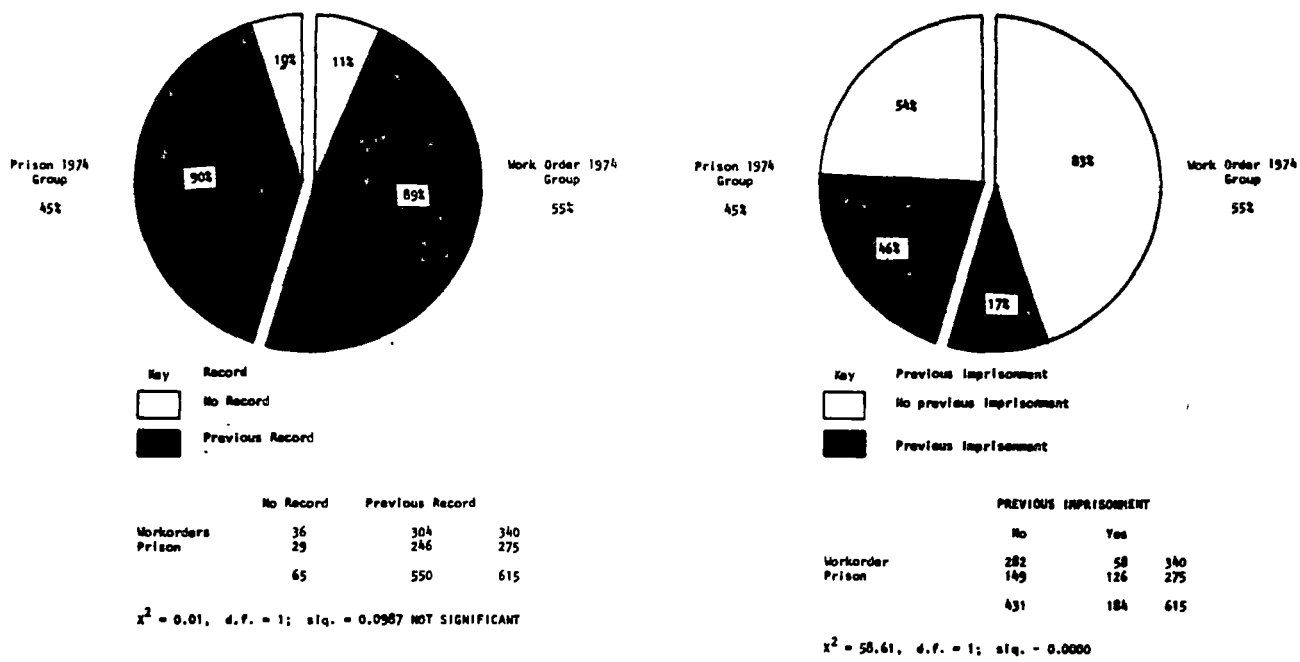


FIGURE 69 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and previous court record.

FIGURE 70 Proportional distribution showing the relationship between individuals sentenced to work orders and short term (1974) and previous imprisonment prison sentences.

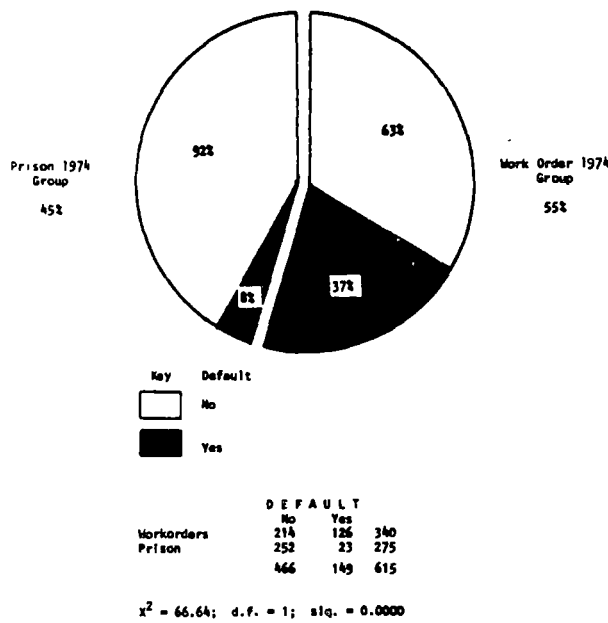


FIGURE 71 Proportional distribution showing the relationship between individuals sentenced to work orders and short term imprisonment (1974) and defaulting while completing their sentence.

Table 20. Results of t tests comparing the number of prior convictions in five categories for offenders sentenced to work orders and offenders sentenced to short-term prison sentences in 1974. The total number of prior convictions and the number of convictions resulting in a prison sentence are also shown.

Type of prior convictions	Group	Number of prior con- victions	Mean	t	d.f.	p
Children's Court	work order	74 478	1.41	0.66	613	> .05 n.s.
	prison	74 357	1.30			
Person	work order	74 75	0.22	4.97	613	< .001
	prison	74 162	0.59			
Property	work order	74 307	0.90	8.64	613	< .001
	prison	74 669	2.43			
Conduct	work order	74 441	1.30	3.65	613	< .001
	prison	74 542	1.97			
Traffic	work order	74 116	0.34	1.17	613	> .05 n.s.
	prison	74 122	0.44			
TOTAL	work order	74 1417	4.17	7.03	613	< .001
	prison	74 1852	6.73			
Prior imprison- ment	work order	74 156	0.46	8.55	613	< .001
	prison	74 302	2.01			

A RECIDIVISM ANALYSIS BETWEEN COMPARABLE GROUPS:

Significant differences between the characteristics of the 1974 work order group and the 1974 short-term prison group throw considerable doubt on the validity of a direct comparison of the relative effectiveness of either type of sentence in producing a lower recidivism rate. Any direct comparison would only be valid if the groups were properly matched to make them comparable. This section of the evaluation describes the rationale and various methods used to construct matched short-term prison and work order groups as a basis for comparing the recidivism rates between these groups. A number of preliminary but fruitless analyses were conducted and these have been included to show the rationale for the final method adopted.

First Analysis -

Work orders did not become available as an alternative to short-term imprisonment until 1972 so that the group of offenders sentenced to short-term prison sentences in 1971 would have consisted of those offenders who would have received a work order sentence had work orders been available and those offenders who would have received a prison sentence regardless. It was considered that the combined 1974 work order and prison groups would therefore be representative of the 1971 prison group.

Information was collected on all offenders sentenced to a prison sentence of three months or less in 1971 (320 in all) on the basis of the variables considered for the 1974 work order and prison groups as outlined earlier. A similar period of time was allowed for the recording of subsequent offences; that is up to June 30th, 1972. This allowed a maximum of 18 months/minimum six months depending on the month in which the offender was initially convicted.

Chi-square frequency tables for prior record, prior imprisonment, recidivism and subsequent imprisonment for the 1971 prison group and the composite 1974 work order and prison groups are shown in Tables 21(a) - 21(d). The results of t tests on these variables are shown in Tables 22(a) and 22(b).

- * No significant differences were found in the prior record of the two groups -

$$\chi^2 = 0.21; \text{ d.f.} = 1; p > .05 \text{ not significant} \quad (\text{Table 21(a)})$$

nor in the average number of prior convictions -

$$t = 0.65; \text{ d.f.} = 933; p > .05 \text{ not significant} \quad (\text{Table 22(a)})$$

- * There were, however, significant differences between the two groups in the proportion of offenders who had a prior prison record (41.6% of the 1971 prison group compared to 29.9% of the 1974 composite group) -

$$\chi^2 = 12.74; \text{ d.f.} = a; p < .001 \quad (\text{Table 21(b)})$$

and in the number of prior prison sentences served, at an average of 1.55 for the 1971 prison group compared to 1.15 for the 1974 composite group -

$$t = 2.37; \text{ d.f.} = 933; p < .05 \quad (\text{Table 22(a)})$$

- * No significant differences were found in the rates of recidivism between the two groups -

$$\chi^2 = 0.88; \text{ d.f.} = 1; p > .05 \text{ not significant} \quad (\text{Table 21(c)})$$

but there were significant differences in the number of subsequent convictions, at an average of 1.52 for the 1971 prison group compared to 1.28 for the 1974 composite group -

$$t = 2.10; \text{ d.f.} = 933; p < .05 \quad (\text{Table 22(b)})$$

Table 21. Frequency tables and results of χ^2 analysis comparing offenders sentenced to a short-term prison sentence or work orders in 1974 (PR + WO74) and offenders sentenced to a short-term prison sentence in 1971 (PR71). Prior convictions, prior imprisonment, subsequent convictions and subsequent imprisonment are shown in Tables (a) to (d) respectively.

Table 21(a)

PRIOR CONVICTIONS	NO	YES	
PR + WO74	65	550	615
PR71	37	283	320
	102	833	935

$\chi^2 = 0.21$; d.f. = 1; $p > .05$ n.s.

Table 21(b)

PRIOR IMPRISONMENT	NO	YES	
PR + WO74	431	184	615
PR71	187	133	320
	618	317	935

$\chi^2 = 12.74$; d.f. = 1; $p < .001$

Table 21(c)

SUBSEQUENT CONVICTIONS	NO	YES	
PR + WO74	285	330	615
PR71	138	182	320
	423	512	935

$\chi^2 = 0.88$; d.f. = 1; $p > .05$ n.s.

Table 21(d)

SUBSEQUENT IMPRISONMENT	NO	YES	
PR + WO74	441	174	615
PR71	201	119	320
	642	293	935

$\chi^2 = 7.74$; d.f. = 1; $p < .01$

Table 22. Results of t tests comparing the number of convictions for offenders sentenced to a short-term prison sentence or a work order in 1974 (PR + WO74) with offenders sentenced to a short-term prison sentence in 1971 (PR71). Prior convictions and subsequent convictions are shown in Tables (a) and (b) respectively.

Table 22(a)

PRIOR RECORD	Group	Number of prior con- victions	Mean	t	d.f.	p
Prior con- victions	PR + WO74	3269	5.31	0.65	933	>.05 n.s.
	PR71	1694	5.29			
Prior imprison- ments	PR + WO74	710	1.15	2.37	933	<.05
	PR71	497	1.55			

Table 22(b)

SUBSEQUENT CONVICTIONS	Group	Number of subsequent convictions	Mean	t	d.f.	p
Subsequent convictions	PR + WO74	790	1.28	2.10	933	<.05
	PR71	485	1.52			
Subsequent imprison- ments	PR + WO74	359	0.58	2.02	933	<.05
	PR71	244	0.76			

- * The two groups differed in the proportion of offenders who were sentenced to a subsequent term of imprisonment, at 37.2% of the 1971 prison group compared to 28.3% of the 1974 composite group -

$$\chi^2 = 7.74; \text{ d.f.} = 1; p < .01 \quad (\text{Table 21(d)})$$

and in the number of subsequent prison sentences served, at an average of 0.76 for the 1971 prison group compared to 0.58 for the 1974 composite group -

$$t = 2.02; \text{ d.f.} = 933; p < .05 \quad (\text{Table 22(b)})$$

The results of this analysis indicate that recidivism in the composite 1974 group was at least no worse than in the 1971 prison group. As mentioned earlier, it is impossible to determine the effect of different types of sentences on recidivism unless the two groups being compared are comparable to begin with. Even if the composite work order/prison group was comparable to the 1971 prison group, on the basis of this analysis, the effect of a work order sentence on recidivism in relation to a short-term prison sentence cannot be determined. The nature of the composite group means that both types of sentences are affecting the overall recidivism rate and the effect of one or the other cannot be singled out. Clearly such an analysis brings little new light to the problem at hand.

Second Analysis -

It was shown in Part II of this evaluation that not all offenders sentenced to work orders would have received a prison sentence had work orders not been available. Some, presumably the less serious offenders, would have received a non-prison sentence. That is, the work order group was also a composite group comprised of potential

prisoners and those offenders who would have received a non-prison sentence.

The sanctions available to the courts for the punishment of offenders vary in severity with imprisonment being the most severe sentence that can be imposed. On the basis of the information available to it, the court imposes what it considers to be the most appropriate sentence. Factors such as prior record and prior imprisonment would obviously be taken into account. This evaluation has shown that offenders sentenced to certain types of sanctions can, to some extent, be distinguished on the basis of certain characteristics and it would appear that these characteristics can be ordered in terms of the sentence they are likely to attract. Thus, it could be expected that those offenders who have committed the more serious types of offences and who have more extensive prior records would be sentenced to a term of imprisonment while the less serious types of offenders would receive a non-prison sentence. If no significant differences were found in the seriousness of offenders in relation to the seriousness of the sanction, the implication would be that the courts showed no consistency in sentencing and it would not be possible to separate out the composite groups into their sub-groups.

To determine whether the work order group could be refined into a group of offenders who would have received a work order sentence as distinct from those who would have received a non-prison sentence had work orders not been available, a sample of 100 offenders sentenced to a non-prison sentence in 1971 was compiled. These offenders were selected on the basis that a pre-sentence report had been prepared on them by the Probation and Parole Service and the required information was therefore available. Eighteen cases were later dis-

carded because of lack of information or because the report referred to an offender on parole. This left a total of 82 offenders sentenced to a non-prison sentence in 1971 who could be included in the analysis.

Information was compiled on these offenders on the same basis as for the offenders in the other groups considered and a similar period of time was allowed to record recidivism; that is up to June 30th 1972 allowing a maximum of 18 months/minimum six months.

If there was a rank ordering of groups with regard to the extent of prior record, it would be expected that the 1971 non-prison group would have the least extensive prior record; followed by the 1974 work order group, which comprised potential prisoners and non-prisoners; the 1971 prison group, which comprised potential work order employees and prisoners; and the 1974 prison group, which was a "pure" prison group.

The four groups of offenders thus formed - non-prison 71, work order 74, prison 71, and prison 74 - were compared in terms of their prior convictions, prior imprisonments, subsequent convictions and subsequent imprisonments. The results of these comparisons, both the proportion of offenders and average number in each category, are shown in Table 23.

It can be seen that both prior convictions and prior imprisonment follow the postulated rank ordering between the groups. That is, from a low level in the non-prison 71 group through the work order 74 group, the prison 71 group to the highest level in the prison 74 group. There was, however, a minor non-significant displacement of 1% between the work order 74 and the prison 71 groups for the proportion of offenders with prior convictions.

Table 23. Rank order of four groups of offenders as marked, showing prior convictions and imprisonments as well as subsequent convictions and imprisonments. Both the proportion and the mean are shown in each category.

		Non-prison	Work order	Prison	Prison
		71	74	71	74
Prior	%	65.9%	89.4%	88.4%	89.5%
convictions	\bar{X}	2.9	4.2	5.3	6.7
Prior	%	17.1%	17.1%	41.6%	45.8%
imprisonment	\bar{X}	0.5	0.5	1.6	2.0
Subsequent	%	42.7%	47.1%	56.9%	61.8%
convictions	\bar{X}	1.0	0.9	1.5	1.7
Subsequent	%	24.4%	18.8%	37.2%	40.0%
imprisonment	\bar{X}	0.5	0.3	0.8	0.9

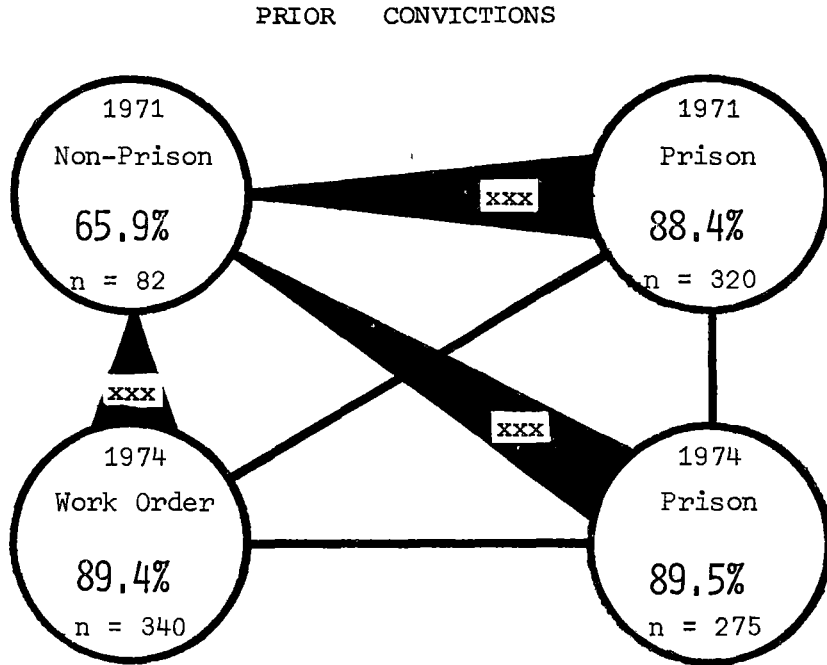


Figure 72. Results of X^2 analysis testing for differences in the proportion of offenders with a prior conviction between the groups as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

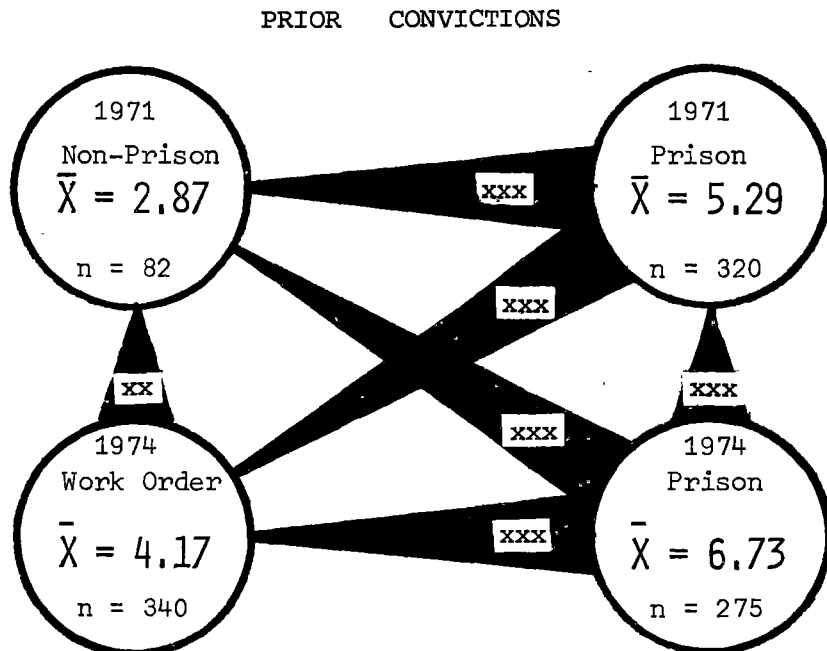


Figure 73. Results of t test analysis testing for differences in the number of prior convictions between the groups as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

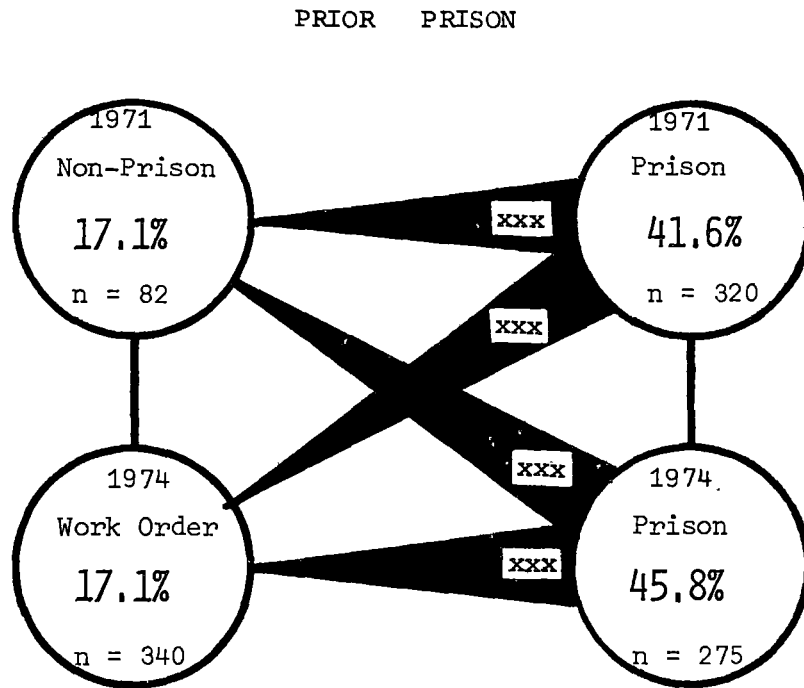


Figure 74. Results of X^2 analysis testing for differences in the proportion of offenders with a prior prison record between the groups as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

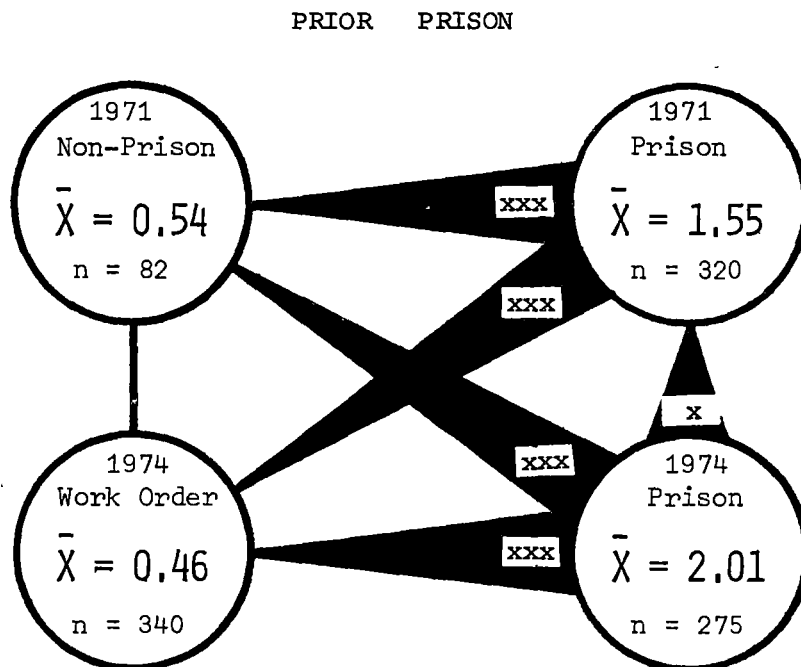


Figure 75. Results of t test analysis testing for differences in the number of prior imprisonments between the groups as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

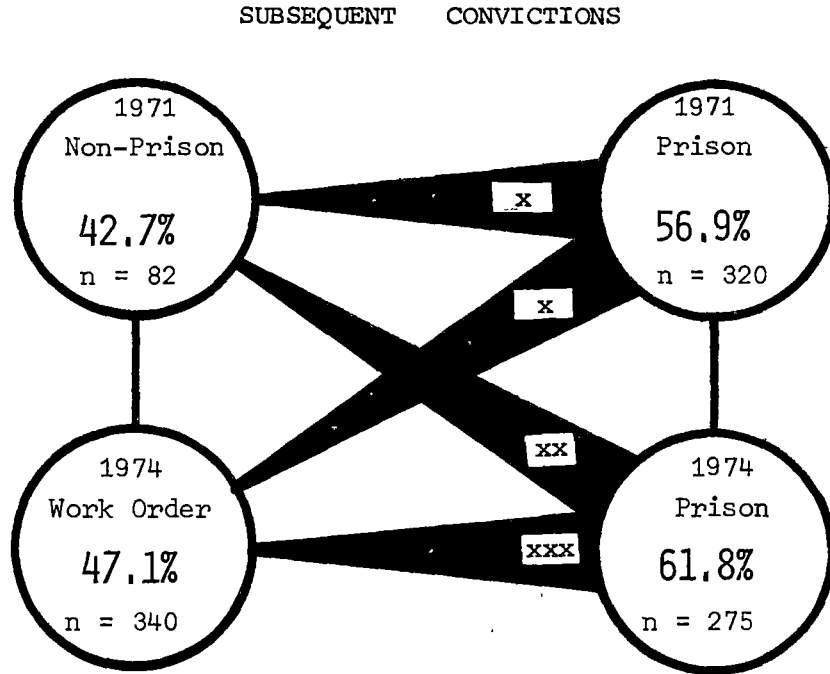


Figure 76. Results of X^2 analysis testing for differences in subsequent convictions between the groups of offenders as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

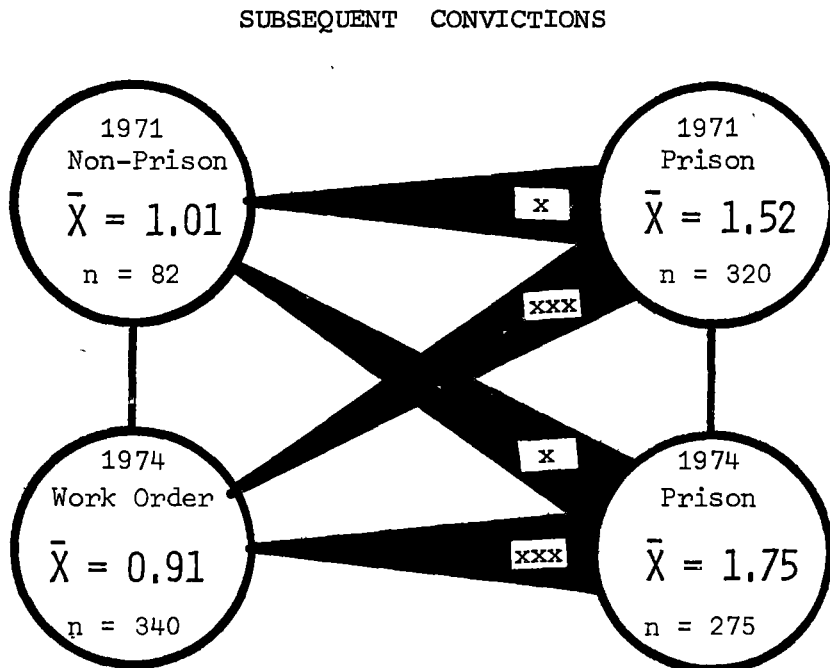


Figure 77. Results of t test analysis testing for differences in the number of subsequent convictions between the groups as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

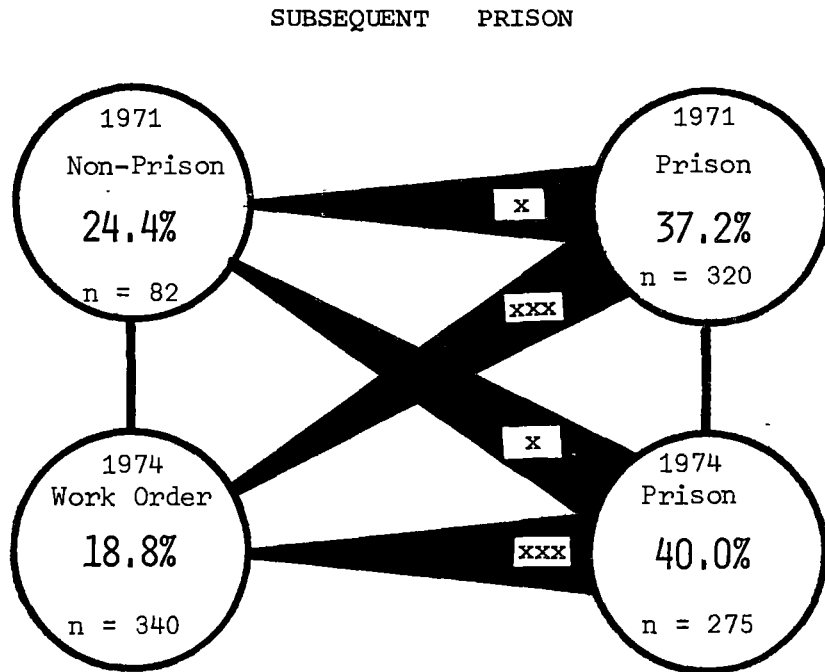


Figure 78. Results of χ^2 analysis testing for differences in subsequent imprisonment between the groups of offenders as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

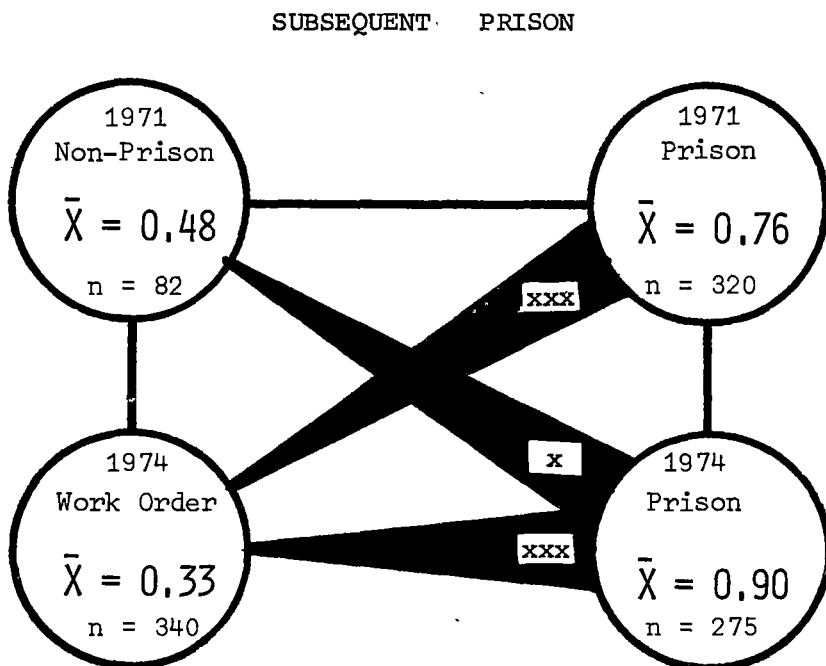


Figure 79. Results of t test analysis testing for differences in the number of subsequent imprisonments between the groups as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

Subsequent convictions and subsequent imprisonment also follow a similar pattern from a low level in the non-prison 1971 group to the highest level in the prison 74 group. The trend was not, however, consistent between the non-prison 71 and the work order 74 groups. The difference, which was not statistically significant, was probably due to the change in sentencing policy which occurred with the introduction of the Work Order Scheme.

The differences and levels of significance between the four groups on the four variables are shown in Figures 72 - 79 and are self-explanatory. On all four measures of recidivism (that is, the proportion of offenders with subsequent convictions, the number of subsequent convictions, the proportion of offenders sentenced to subsequent terms of imprisonment and the number of subsequent imprisonments), the 1974 work order group had significantly lower rates than both the prison 71 and prison 74 groups, but was not significantly different from the non-prison 71 group.

It has already been shown that there were significant differences in the characteristics of the four groups particularly in terms of the levels of prior convictions and prior imprisonment. It is therefore likely that differences in recidivism between the groups were due to differences in the characteristics of the offenders within those groups rather than as a result of the type of sanction imposed.

Final Analysis -

So far it has been shown that there were significant differences in the recidivism rates of the 1974 work order group and the prison 71 and prison 74 groups. But whether these differences were due to the effect of the type of sentence imposed has yet to be established.

Any valid comparison between the recidivism rates of offenders sentenced to the different types of sanction would have to control for the differences in the characteristics of the offenders through the construction of matched groups. In testing the effect of a work order sentence versus a short-term prison sentence on recidivism, the matched groups would comprise those offenders sentenced to a short-term prison sentence in 1971 who would have received a work order sentence had work orders been available, and those offenders sentenced to work orders in 1974 who would have received a short-term prison sentence had work orders not been available. Thus, without the availability of work orders, both groups of offenders would have gone to prison and had both groups of offenders been sentenced after work orders were introduced, both would have received a work order sentence.

As work orders were introduced in 1972, offenders sentenced to a short term of imprisonment in 1971 consisted of -

- * those offenders who would have received a work order sentence had work orders been available at the time;
- * those offenders who would have received a prison sentence regardless of the availability of work orders.

By identifying and separating out the two groups of offenders in the 1971 prison group, the recidivism rate of the potential work order group in 1971 could be compared with the recidivism rate of those offenders who in fact received a work order sentence in 1974.

The problem of deriving matched groups was, however, compounded in that not all offenders sentenced to work orders in 1974 would be expected to have received a prison sentence had work orders not been available (see Part II). Some would be expected to have received a non-prison sentence.

Thus the 1974 work order group consisted of -

- * those offenders who would have received a non-prison sentence had work orders not been available at the time;
- * those offenders who would have received a prison sentence had work orders not been available as an option.

In order for a valid comparison to be made between the effects of the two types of sanctions, four distinct groups would therefore have to be identified and separated out; those offenders in the 1971 prison group who would have received a prison sentence regardless of the availability of work orders and those offenders in the 1974 work order group who would have received a non-prison sentence had work orders not been available. These two groups would then be excluded from the analysis, allowing for a direct comparison of the recidivism rates between those offenders in the 1971 prison group who would have received a work order sentence and those offenders in the 1974 work order group who would have received a prison sentence.

The Construction of Matched Groups:

A discriminant analysis was carried out to separate the prison 71 and work order 74 groups into the desired sub-groups.

Discriminant analysis is a classifying procedure whereby the variables which distinguish between two or more known groups are given a weighting according to the degree to which they differentiate between the groups. The resultant variable weightings are calculated for each subject to give a discriminant score and the subjects are then classified according the probability of belonging to one or other group. Previously unclassified subjects are also given a discriminant score and allocated to one or other of the known groups

according to the probability of that subject belonging to the group on the basis of the variables included in the analysis. The proportion of previously unclassified subjects allocated to each group can be controlled by varying the probability levels for inclusion in each of the known groups. (See SPSS Manual, 1975 Discriminant Analysis).

Four groups of subjects were considered in the analysis -

- * all male offenders sentenced to work orders in 1974 (340);
- * all male offenders sentenced to up to three months' imprisonment in 1974 (275);
- * all male offenders sentenced to up to three months' imprisonment in 1971 (320);
- * a sample of 82 male offenders sentenced to a non-prison sentence in 1971.

This gave a total of 1,017 offenders.

The proportion of offenders who were sentenced to work orders in 1974 who would have been expected to receive a prison sentence had work orders not been available has been estimated previously in this evaluation (see Part II, Table 2). In this recidivism analysis, calendar years rather than financial years have been used and appropriate adjustments made.

In 1974, the projected number of convicted prisoners received (based on the five years prior to the introduction of work orders), was 923. The estimated number of prisoners received for the calendar year (based on the post-work-order number of convicted prisoners received), was 677. Thus, the estimated number of offenders sentenced to work orders in the 1974 calendar year who would have been expected to

receive a prison sentence had work orders not been available was 246. Based on these figures, the 1974 work order group of 340 offenders could be divided into a sub-group of 246 offenders who would have received a prison sentence, and another sub-group of 94 offenders who would have been expected to receive a non-prison sentence had work orders not been available.

This projection of the number of offenders sentenced to work orders in 1974 who would have received a prison sentence had work orders not been available can also be used to derive an estimate of the number of short-term prisoners in 1971 who would have received a work order sentence had the option been available at that time. As outlined above, an estimated 246 of the offenders in the 1974 work order group would have been expected to receive a prison sentence had they been sentenced before work orders were introduced. This number represents 26.7% of the projected 923 convicted prisoners received for that year. Using the same proportion for the 1971 short-term prison group, 86 of the 320 convicted short-term prisoners received would have been expected to be sentenced to work orders if the alternative sanction had been available at that time. The 1971 short-term prison group of 320 offenders can thus be divided into a sub-group of 234 offenders who would have received a prison sentence regardless, and 86 offenders who would have received a work order sentence had work orders been available.⁶

Offenders in the 1974 work order group and the 1971 short-term prison group were classified into the respective sub-groups by discriminant analysis.

⁶ Here and in the remainder of this thesis the rather categorical expression "would have received a work order (or other type) of sentence" is used in place of more accurate but more cumbersome terms signifying that the numbers are projections or estimates, and the allocations can only be approximations to the outcome of a real sentencing procedure by the courts.

Those variables which had been found to differ significantly between the 1974 work order and 1974 short-term prison groups were used in the analysis. They were -

- age;
- marital status;
- type of primary offence;
- number of prior Children's Court convictions;
- number of prior convictions for each of the categories of offences;
- number of prior imprisonments.

Three discriminant analyses were carried out -

- * The first to separate the 1974 work order group into those offenders who would have received a prison sentence and those who would have received a non-prison sentence had work orders not been available. These groups will be referred to respectively as WO74(PR) and WO74(NF).
- * The second to separate the 1971 prison group into those offenders who would have received a work order sentence and those who would have received a prison sentence had work orders been available as an option. These groups will be referred to respectively as PR71(WO) and PR71(PR).
- * Thirdly, the groups thus formed were re-analysed to check for accuracy of classification and determine areas of "leakage".

In the first discriminant analysis, the sample of 82 offenders sentenced to a non-prison sentence in 1971, and the group of 320 offenders sentenced to three months' imprisonment or less in 1971 were used as the "known" groups. The discriminating function calculated on these two groups was then imposed on the same variables for the 340 offenders sentenced to work orders in 1974 to determine those who would have received a prison sentence and those who would have received a non-prison sentence. The appropriate group weighting was included in the analysis so that approximately 94 of the offenders sentenced to work orders were classified into the non-prison group and approximately 246 were classified into the prison group. The results of the discriminant analysis are as follows -

Group:	Number of subjects:	Predicted prison:	Predicted non-prison:
Prison 71	320	229	91
Non-prison 71	82	7	75
Work order	340	243	97

75.6% of known cases correctly classified

$$\chi^2 = 105.56; \text{ d.f.} = 1; p < .001$$

The classification achieved 75.6% accuracy on the known groups with a Chi-square value of 105.56 for one degree of freedom, significant at the .001 level. The major leakage was from the prison group to the non-prison group. The appropriate number of cases from the 1974 work order group was classified into the correct groups.

The second discriminant analysis was carried out to determine those offenders from the 1971 prison group who would have received a work order sentence had work orders been available, and those who would have received a prison sentence irrespective of the availability of work orders.

The "known" groups used were the 340 offenders sentenced to work orders in 1974, and the 275 offenders sentenced to three months or less imprisonment in 1974. The discriminating function calculated on these two groups was imposed on the 320 offenders sentenced to three months or less imprisonment in 1971, discriminating between those offenders who would have received a work order sentence, and those who would have received a prison sentence had work orders been available at that time. The appropriate weighting was included in the analysis so that approximately 86 of the offenders sentenced to a short-term prison sentence in 1971 were classified into the work order group, and approximately 234 were classified into the prison

group. The results of this discriminant analysis are as follows:

Group:	Number of subjects:	Predicted work orders:	Predicted prison:
Work order 74	340	166	174
Prison 74	275	45	230
Prison 71	320	87	233

64.4% of known cases correctly classified

$$\chi^2 = 50.94; \text{ d.f.} = 1; p < .001$$

The classification achieved 64.4% accuracy on the known groups with a chi-square value of 50.94 for one degree of freedom and was significant at the .001 level. The major leakage was from the 1974 work order group into the predicted prison group. The appropriate number of cases from the prison 1971 group was classified into the correct groups.

A third discriminant analysis was conducted to check for accuracy in classification, and to determine areas of leakage. The six groups considered in the previous analyses were combined to form three groups according to actual and predicted classification in the following way -

- * The 97 offenders in the 1974 work order group who would have received a non-prison sentence had work orders not been available (WO74 (NP)), were combined with the sample of 82 offenders sentenced to a non-prison sentence in 1971 (NP71).
- * The 243 offenders in the 1974 work order group who would have received a prison sentence had work orders not been available (WO74(PR)), were combined with the 87 offenders in the 1971 prison group who would have received a work order sentence had work orders been available (PR71 (WO)).
- * The 233 offenders in the 1971 prison group who would have received a prison sentence regardless of whether work orders were available (PR71 (PR)), were combined with the 275 offenders sentenced to prison in 1974 (PR74).

The results of this discriminant analysis are as follows:

Group:	Number of subjects:	Predicted non-prison:	Predicted work order:	Predicted prison:
NP71 + WO74 (NP)	179	75	42	62
WO74 (PR) + PR71 (WO)	330	4	210	116
PR71 (PR) + PR74	508	7	77	424

69.7% of known subjects correctly classified

$$\chi^2 = 605.75; \text{ d.f.} = 4; p < .001$$

The classification procedure attained 69.7% accuracy with a chi-square value of 605.75 for 4 degrees of freedom, significant at the .001 level.

The major leakage was from both the work order and non-prison groups into the predicted prison group. The proportionate levels of this leakage is shown in Figure 80 -

- * 83.4% of the prison group were correctly allocated with a 15.2% leakage towards the work order group;
- * 63.6% of the work order group were correctly allocated with a 35.2% leakage towards the prison group;
- * 41.9% of the non-prison group were correctly allocated with a 34.6% leakage to the prison group and 23.5% leakage towards the work order group.

On the basis of these findings it can be said that the prison group has been clearly distinguished but there has been a fairly large degree of overlap between offenders sentenced to a non-prison sentence and those sentenced to other types of sanction. These findings would indicate that there is a certain degree of tolerance in sentencing manifesting itself in a reluctance to impose a prison sentence which is, after all, the most severe sanction which can be imposed. This apparent willingness to give the offender the benefit of the doubt has

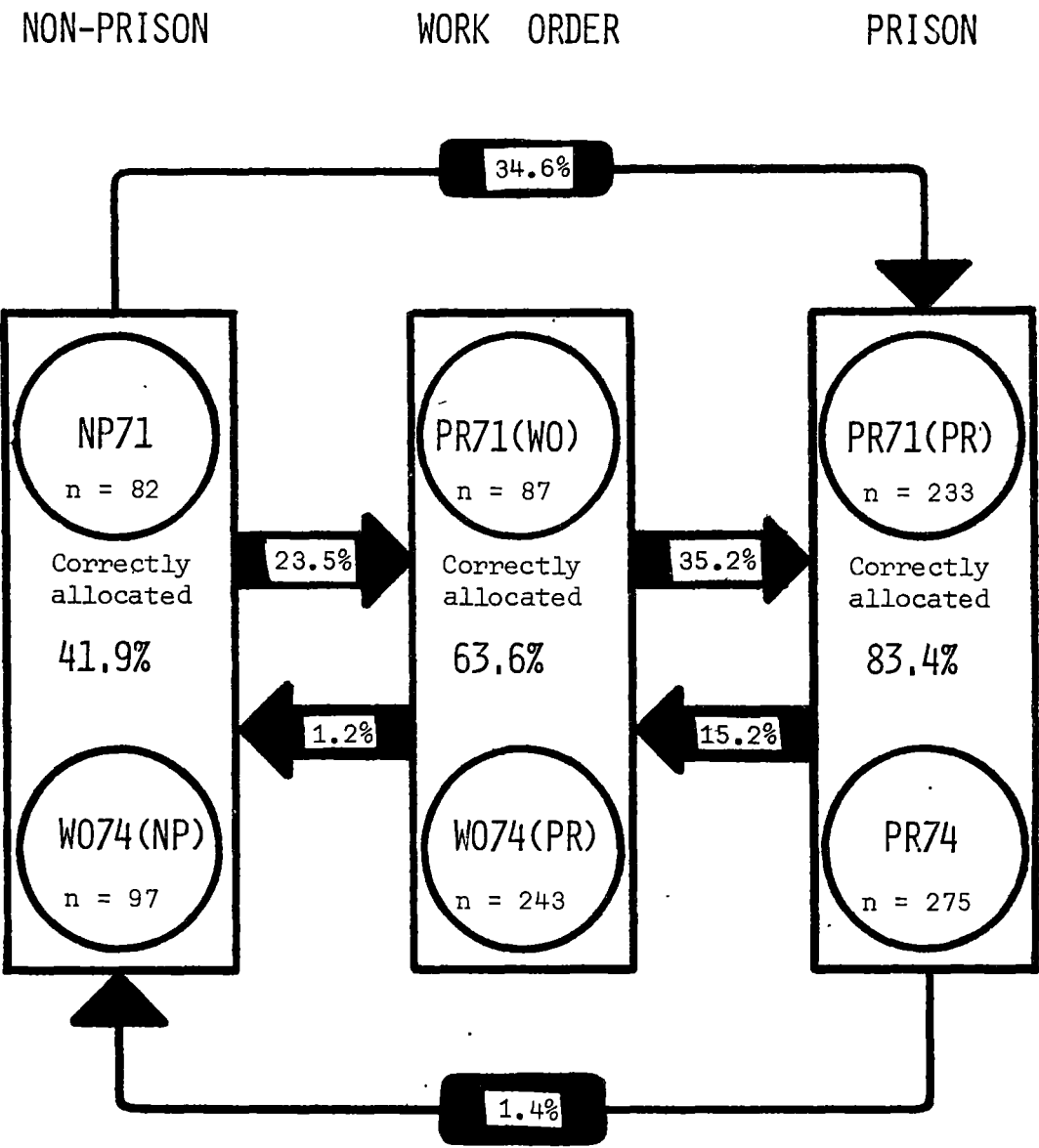


Figure 80. Results of the discriminant analysis testing for the appropriateness of the classification into the non-prison, work order and prison groups derived from the previous two discriminant analyses. The proportion of cases correctly classified and the "leakage" between the groups is shown.

meant that many potential prisoners are dispersed among the non-prison and work order groups, while the group of offenders actually sentenced to prison contains few potential work order or non-prison offenders.

The overlap of potential sentences imposed makes the establishment of adequate control groups difficult and even more so because of a lack of refinement in the variables which affect the type of sentence imposed and the variability in the sentencing of the courts. Moreover, the leakage between the groups formed in the discriminant analysis, which resulted in the wide dispersion of potential prisoners among the work order and non-prison groups, makes it more difficult to establish significant differences between any of the groups. Any differences that were found, however, would be more likely to be due to the effect of the sentence than to personal characteristics.

A further check on the accuracy of the discriminant analyses classifications was carried out through a comparison of prior convictions and prior imprisonments between the groups. If the classifications were accurate it could be expected that the seriousness and extent of prior records between the groups would be reflected in the type of sanction imposed, for, although a large component of the discriminant analyses consisted of the number and types of prior convictions, several personal variables were also considered.

Prior Convictions and Imprisonments Compared between Matched Groups:

Comparisons were made between the six groups formed in the discriminant analysis on the basis of -

- * the proportion of offenders in each group with a prior record;

- * the average number of prior convictions;
- * the proportion of offenders in each of the groups who had served a prior term of imprisonment;
- * the average number of prior prison sentences served in each group.

The results of these comparisons are shown in Figures 81-84.

In all cases the offenders sentenced to work orders in 1974 who would have gone to prison had work orders not been available (WO74 (PR)) had a significantly worse prior record than those offenders sentenced to prison in 1971 who would have received a work order sentence had work orders been available (PR71 (WO)) -

- * The proportion of WO74(PR) offenders with a prior record at 91.4% was significantly greater than in the PR71(WO) group at 81.6% -

$$\chi^2 = 5.18; \text{ d.f.} = 1; p < .05$$

(Figure 81)

- * The average number of prior convictions in the WO74(PR) group at 4.6 was significantly higher than in the PR71(WO) group at 3.0 -

$$t = 3.43; \text{ d.f.} = 328; p < .001$$

(Figure 82)

- * Similarly, the proportion of offenders in the WO74(PR) group who had served a prior prison sentence at 21.0% was significantly greater than the 9.2% in the PR71(WO) group -

$$\chi^2 = 5.29; \text{ d.f.} = 1; p < .05$$

(Figure 83)

- * A similar pattern was found with regard to the average number of prior prison sentences served with an average of 0.59 for the WO74(PR) group compared to 0.13 for the PR71(WO) group -

$$t = 2.73; \text{ d.f.} = 328; p < .01$$

(Figure 84)

No significant differences were found between the two prison groups, that is, between the group of offenders sentenced to a short-term prison sentence in 1971 who would have gone to prison whether or not work orders had been available (PR71(PR)) and the 1974 short-term prison group (PR74).

- * The proportion of offenders with a prior record was similar between the two groups with 91.0% of the PR71(PR) group compared to 89.5% of the PR74 group -

$$\chi^2 = 0.18; \text{ d.f.} = 1; p > .05 \text{ not significant} \quad (\text{Figure 81})$$

- * The average number of prior convictions was similar between the two groups (6.1 compared to 6.7) -

$$t = 1.30; \text{ d.f.} = 506; p > .05 \text{ not significant} \quad (\text{Figure 82})$$

- * There were no significant differences between the two groups in the proportion of offenders who had served a prior prison sentence (53.6% compared to 45.8%) -

$$\chi^2 = 2.79; \text{ d.f.} = 1; p > .05 \text{ not significant} \quad (\text{Figure 83})$$

- * There were no significant differences between the two groups in the average number of prior prison sentences which had been served (2.1 and 2.0) -

$$t = 0.27; \text{ d.f.} = 506; p > .05 \text{ not significant} \quad (\text{Figure 84})$$

In comparing the 1971 non-prison group with those offenders sentenced to work orders in 1974 who would have been expected to receive a non-prison sentence had work orders not been available, significant differences were found on two of the four variables.

- * The WO74(NP) group had a higher proportion of offenders with a prior record at 84.5% compared to 69.5% for the 1971 non-prison group -

$$\chi^2 = 4.95; \text{ d.f.} = 1; p < .05 \quad (\text{Figure 81})$$

- * The non-prison 71 group, however, had a higher average number of prior imprisonments than the WO74(NP) group (0.54 compared to 0.12) -

$$t = 2.32; \text{ d.f.} = 177; p < .05$$

(Figure 84)

- * Similarly, the proportion of offenders in the non-prison 71 group who had previously served a term of imprisonment was higher than in the WO74(NP) group but this difference was not statistically significant (17.1% for the NP71 group compared to 7.2% for the WO74(NP) group) -

$$\chi^2 = 3.27; \text{ d.f.} = 1; p > .05 \text{ not significant} \quad (\text{Figure 83})$$

- * There was no significant difference between the two groups in the number of prior convictions (2.9 compared to 3.0) -

$$t = 0.52; \text{ d.f.} = 177; p > .05 \text{ not significant} \quad (\text{Figure 82})$$

The anomaly, on the one hand where a greater proportion of the group of offenders in the 1974 work order group, who would have received a non-prison sentence had work orders not been available, had a prior record and on the other where the 1971 non-prison group had a significantly greater number of prior imprisonments, tends to weaken the case for the accurate formation of matched groups. This anomaly could also demonstrate the changes in sentencing policy which had occurred following the introduction of the Work Order Scheme in 1972. Before work orders were introduced, offenders with a prior record had a greater likelihood of being sentenced to prison because of the lack of a suitable alternative thereby reducing the numbers in the 1971 non-prison group who had prior convictions. It should also be noted that the NP71 group consisted of those offenders for whom the court had requested a pre-sentence report. Such requests are usually made when the court is in some dilemma as to the appropriate sentence

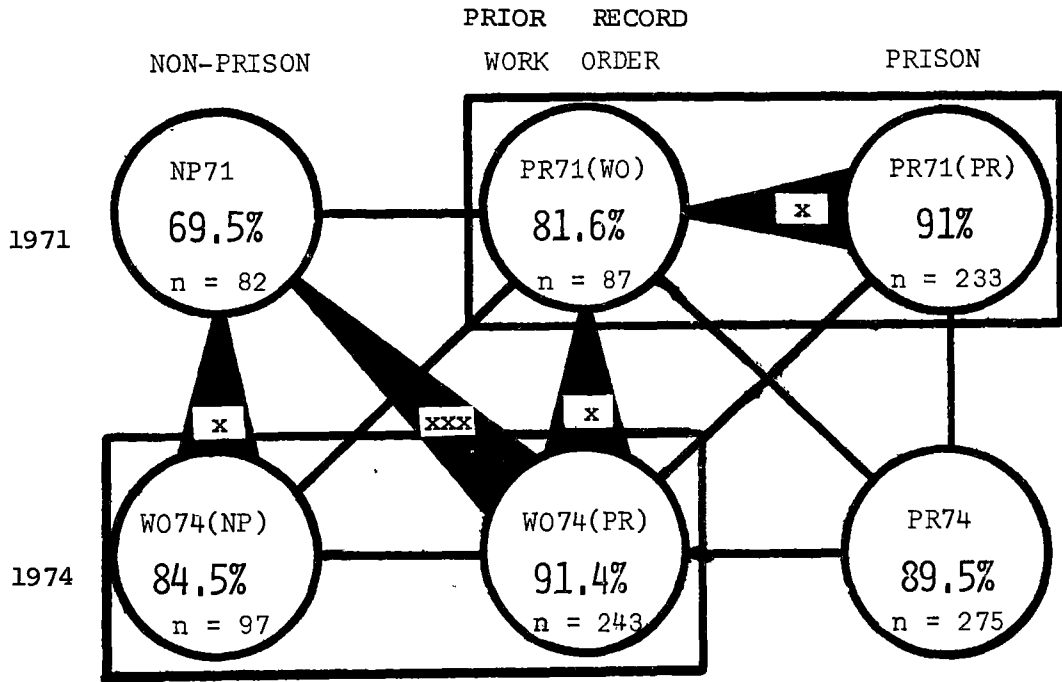


Figure 81. Results of χ^2 analysis testing for differences in the proportion of offenders with a prior conviction between the groups as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

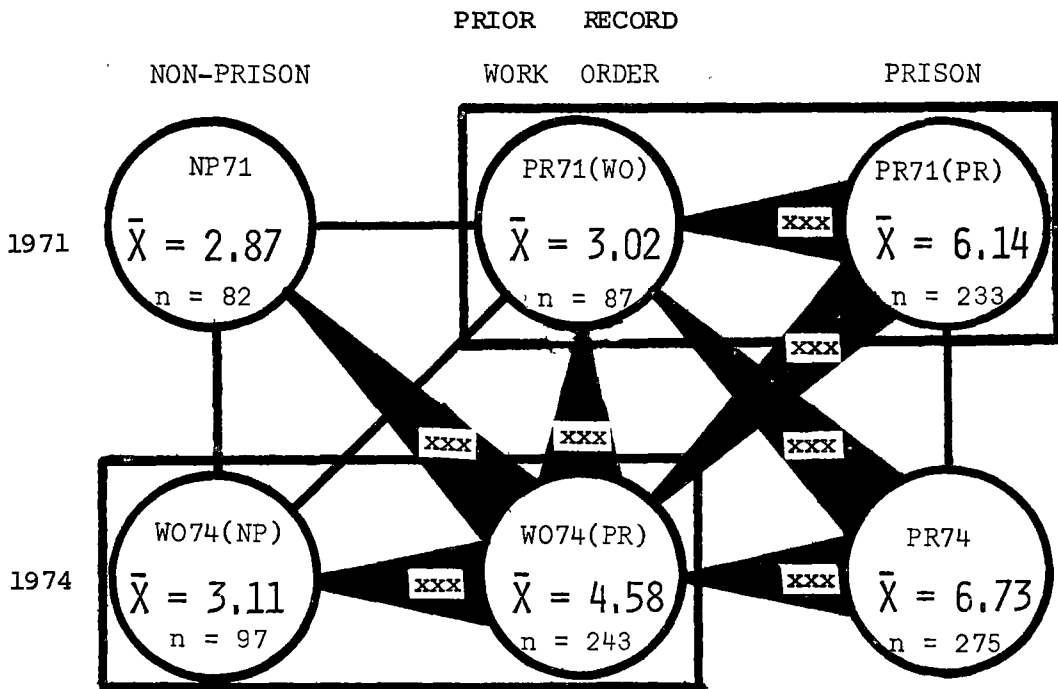


Figure 82. Results of t test analysis testing for differences in the number of prior convictions between the groups as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

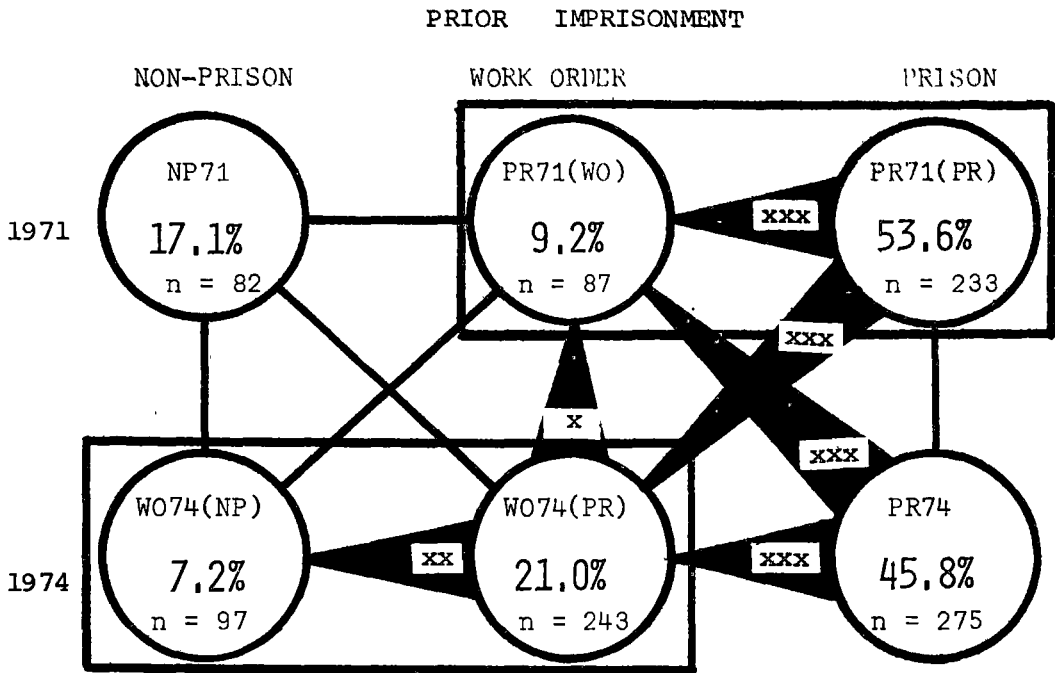


Figure 83. Results of χ^2 analysis testing for differences in the proportion of offenders with a prior prison record between the groups as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

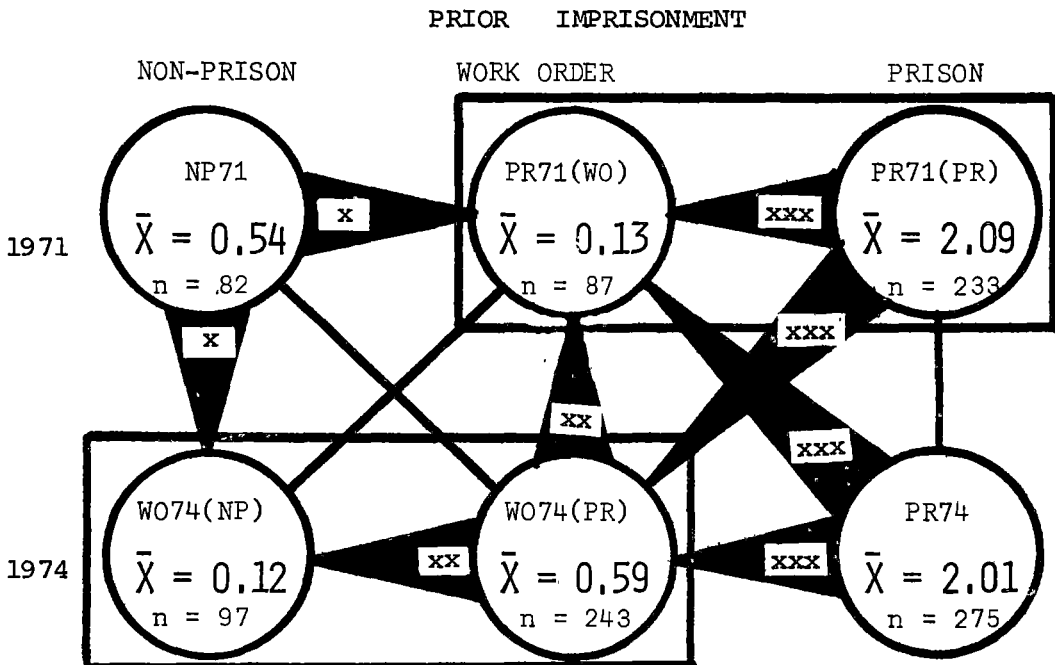


Figure 84. Results of t test analysis testing for differences in the number of prior imprisonments between the groups as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

to impose and when a term of imprisonment is being considered. Thus, the 1971 non-prison group would comprise the more serious types of offenders who narrowly averted a term in prison. The leakage shown in Figure 80 tends to substantiate this view and it can be seen that the NP71 and WO74(NP) groups contained a large proportion of potential prisoners.

From the point of view of this evaluation, however, it is the differences between the group of offenders sentenced to prison in 1971 who would have received work orders had they been available (PR71(WO)), and the group of offenders sentenced to work orders in 1974 who would have received a prison sentence had work orders not been available (WO74(PR)) which is of the most importance. As outlined earlier the WO74(PR) group was, on all measures of prior record and imprisonment, significantly worse than the PR71(WO) group. On this basis, and in line with the findings of Mannheim and Wilkins that the number of prior convictions is a reasonable indicator of recidivism, it could be expected that offenders in the WO74(PR) group would be more likely to commit further offences than offenders in the PR71(WO) group. Accordingly, the matching of the two groups must be regarded as conservative when used to test the effect of a work order sentence and a short-term prison sentence on recidivism.

Bearing in mind that the essence of any valid comparisons between the groups and their recidivism rates was contingent on the matching of groups, a further check on the appropriate matching of groups was built into the recidivism analysis. If the offenders had been correctly matched in the discriminant analysis, it could be expected that there would be no significant differences between the recidivism rates of the PR71(PR) group and the PR74 group. Offenders in both groups had undergone imprisonment and would have been sentenced to

prison whether work orders had been available or not. On the other hand, a comparison between the recidivism rates of the NP71 and WO74(NP) groups need not show the same similarities because the two groups had experienced different types of sentences.

Subsequent Convictions and Imprisonments Compared between Matched Groups:

The cut-off point for recidivism in this analysis was June 30th in the year following the conviction for which the offender first came under observation. That is, until June 30th, 1972 for those offenders sentenced in 1971 and up to June 30th, 1975 for those offenders sentenced in 1974.

In measuring the rate of recidivism, consideration was also given to the seriousness with which the court viewed the subsequent offence so that not only subsequent convictions were recorded but also those subsequent convictions considered serious enough by the courts to warrant a prison sentence. The results of these recidivism analyses are shown in Figures 85-88.

The proportion of offenders convicted of subsequent offences in each group and the significant differences between the groups is shown in Figure 85, while the average number of subsequent convictions for each of the groups and the significant differences between them is shown in Figure 86. The proportion of offenders sentenced to a subsequent term of imprisonment in each group and the differences between the groups is shown in Figure 87, while the average number of subsequent imprisonments and differences between the groups is shown in Figure 88.

On all measures, the offenders sentenced to work orders in 1974 who

would have received a prison sentence had work orders not been available (WO74(PR)), had lower rates of recidivism than those offenders sentenced to prison in 1971 who would have received a work order sentence had work orders been available at that time (PR71(WO)). These findings have the most important implications for the recidivism analysis.

- * 44.4% of the WO74(PR) group were convicted of subsequent offences compared to 57.5% of the PR71(WO) group -

$$\chi^2 = 3.85; \text{ d.f.} = 1; p < .05 \quad (\text{Figure 85})$$

- * Offenders in the WO74(PR) group were convicted of an average of 0.84 offences compared to 1.62 for the PR71(WO) group -

$$t = 3.78; \text{ d.f.} = 328; p < .001 \quad (\text{Figure 86})$$

- * 18.1% of the WO74(PR) group were sentenced to a subsequent term of imprisonment compared to 31.0% of the PR71(WO) group -

$$\chi^2 = 5.60; \text{ d.f.} = 1; p < .05 \quad (\text{Figure 87})$$

- * Offenders in the WO74(PR) group were sentenced to an average of 0.33 terms of subsequent imprisonment compared to 0.60 for the PR71(WO) group -

$$t = 2.36; \text{ d.f.} = 328; p < .05 \quad (\text{Figure 88})$$

These findings are even more significant when the prior records and prior imprisonment rates of the two groups of offenders are taken into account.

It has been established earlier that offenders in the WO74(PR) group had significantly more extensive records than offenders in the PR71(WO) group. After an equal follow-up period, which did not take into

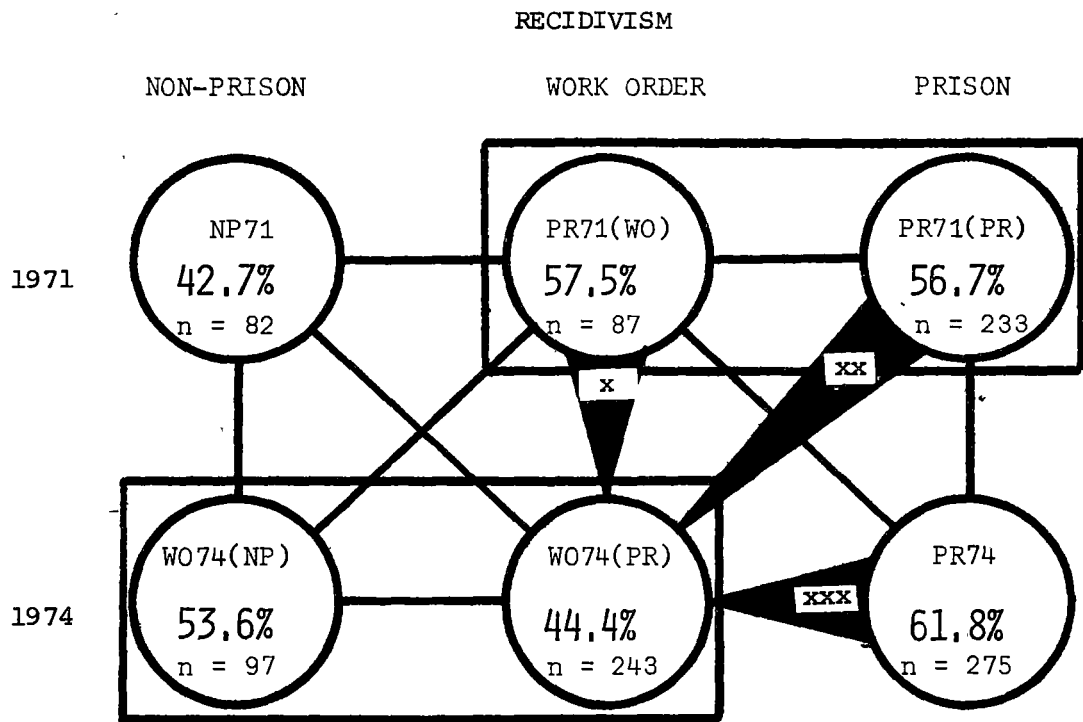


Figure 85. Results of χ^2 analysis testing for differences in the proportion of recidivism between the groups of offenders as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

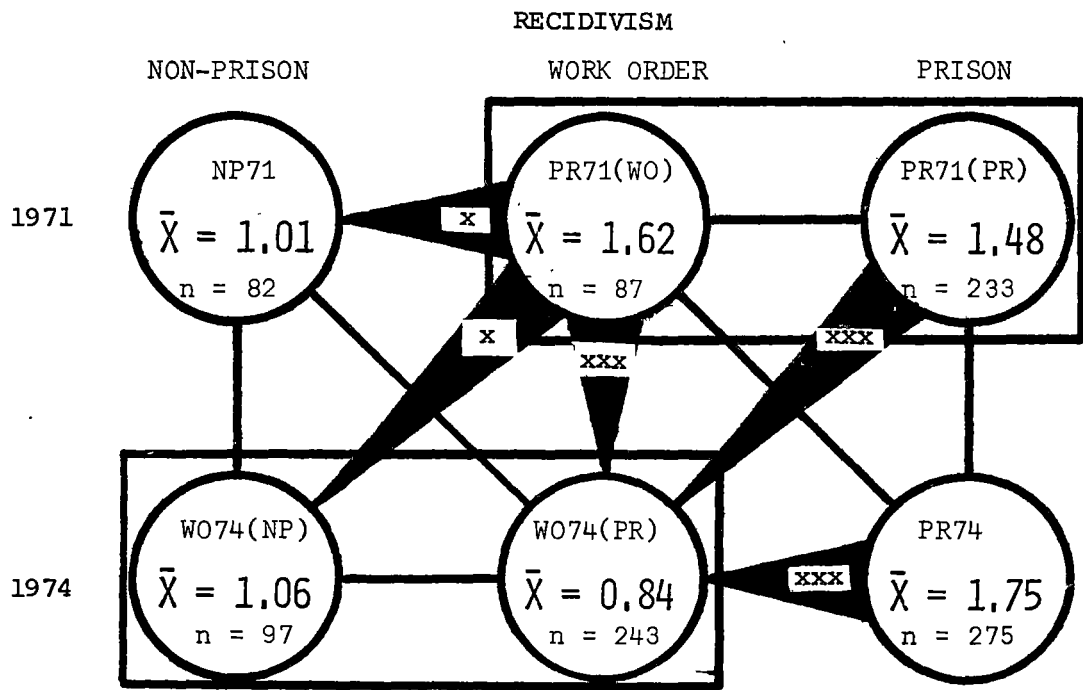


Figure 86. Results of t test analysis testing for differences in the number of subsequent convictions between the groups as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

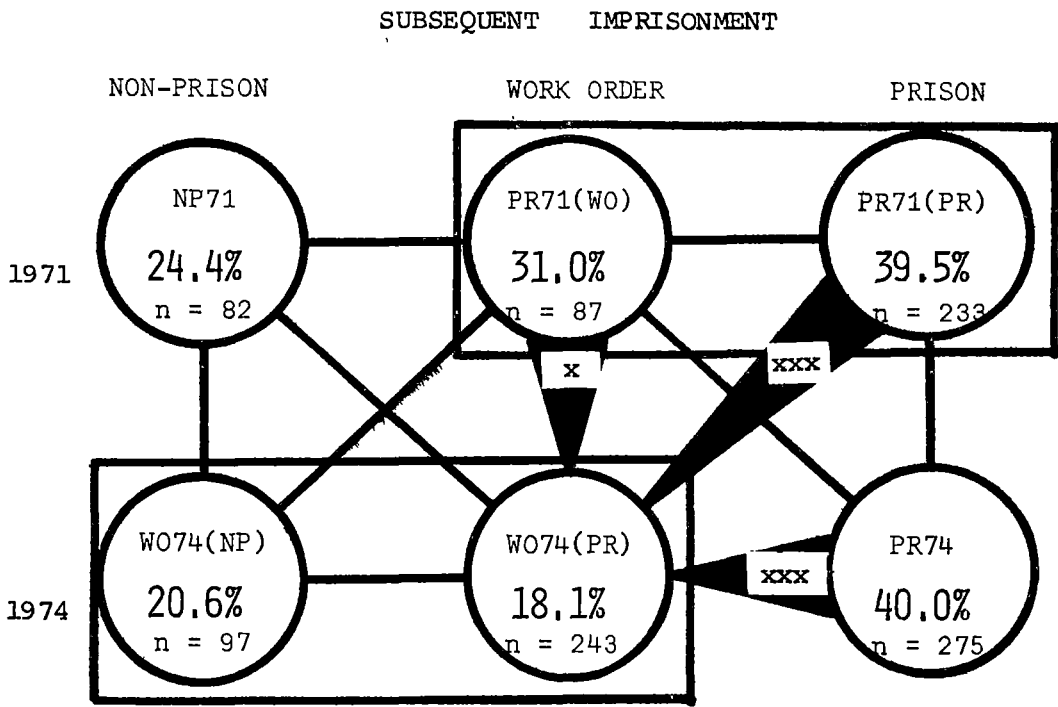


Figure 87. Results of χ^2 analysis testing for differences in the proportion of subsequent imprisonment between the groups of offenders as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

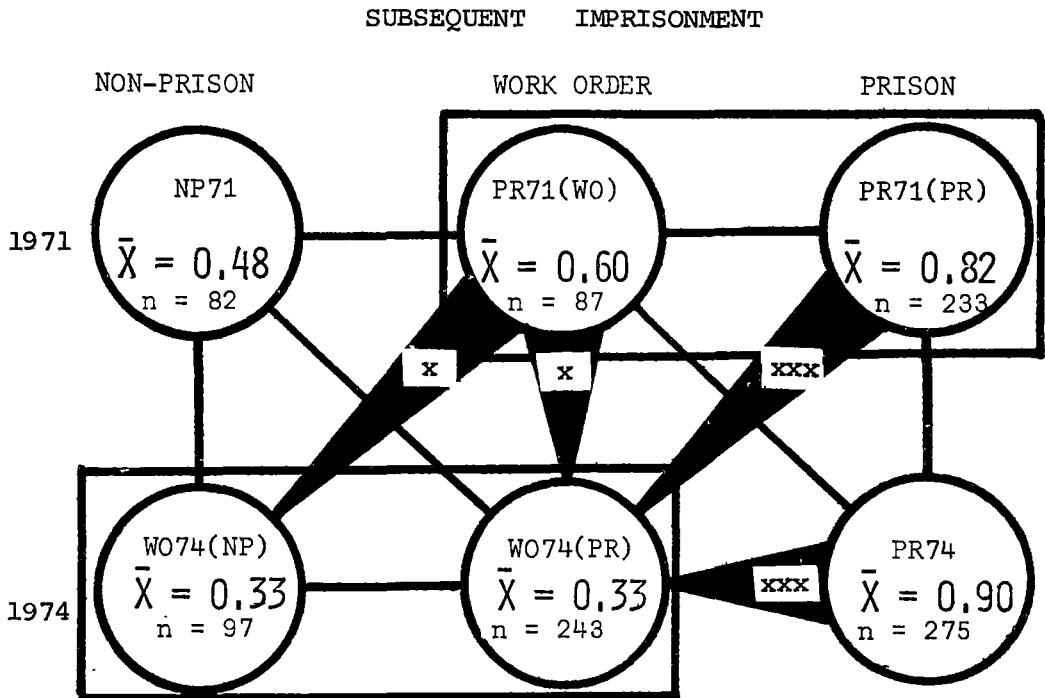


Figure 88. Results of t test analysis testing for differences in the number of subsequent imprisonments between the groups as marked.

- = $p > .05$ n.s.; x = $p < .05$; xx = $p < .01$; xxx = $p < .001$

account the fact that the PR71(WO) group was out of circulation for some time, the PR71(WO) group had a greater rate of recidivism by whatever criterion used. This represents a reversal of the differences between the two groups and is contrary to the findings of most studies on recidivism which show prior record to be a reasonable indicator of recidivism.

It could be argued that the reversal in trends between prior and subsequent convictions was due to an overall decrease in the number of convictions made by the courts between 1971-72 and 1974-75, or that the reversal in trends in prior and subsequent imprisonment between the two groups was due to a change in the sentencing policy of the courts. The first argument is not substantiated by the findings in Part II of this evaluation which showed a continuing increase in the number of convictions made by the courts. However, there was a decrease in the proportion of convictions resulting in a prison sentence after the introduction of the Work Order Scheme (Part II) and this may in some part account for the reversal in trends in prior and subsequent imprisonment between the WO74(PR) group and the PR71(WO) group. On the other hand, there was no similar reversal between either the non-prison or prison groups as shown in Figures 87 and 88, and these findings would tend to negate the argument. In fact, no significant differences were found either in subsequent convictions or subsequent imprisonment between the PR71(PR) and PR74 groups, nor between the WO74(NP) and NP71 groups (Figures 85-88). The similarities between the recidivism rates of both the prison and non-prison groups lends further support to the appropriate classification of offenders by the discriminant analysis.

One major, unaccounted for, anomaly remains and that is the high

recidivism rate of those offenders who would have received a non-prison sentence had work orders not been available WO74(NP). This group of offenders had a higher, although not significantly so, rate of recidivism than the WO74(PR) group and there were similarities between this group of offenders and the PR71(WO) group both in terms of the proportion of offenders who had subsequent convictions and the proportion of offenders who served subsequent terms of imprisonment. Thus, the presumably less serious offenders in the 1974 work order group (that is, those who would have received a non-prison sentence had work orders not been available) had a slightly higher recidivism rate than the presumably more serious offenders (that is, those offenders who would have received a prison sentence had work orders not been available). Furthermore, although the WO74(NP) group and the PR71(WO) group experienced different types of sentences and offenders in the latter group were presumably the more serious types of offenders, there were no significant differences between the two groups in the proportion of offenders convicted of subsequent offences nor the proportion of offenders sentenced to subsequent terms of imprisonment. This anomaly cannot be readily explained, except on a speculative basis. Here it should be noted that the basis on which the non-prison component of the 1974 work order group was separated out in the discriminant analysis related to the characteristics of those offenders in the 1971 non-prison group. The discriminant analysis showed a leakage from the NP71 and WO74(NP) groups towards the prison and work order groups. It should also be noted that the non-prison group, on which the WO74(NP) group was based, consisted of offenders for whom a pre-sentence report had been requested by the courts. Pre-sentence reports are generally requested by the court only when there is some doubt as to the appropriate sentence and particularly so when a prison sentence is being considered as the most

likely possibility. The non-prison 71 group used in this analysis was therefore not a representative sample of those offenders sentenced to a non-prison sentence in 1971. The high prior imprisonment rate of this group would tend to support such a conclusion (Figures 83 and 84). The sample of offenders selected for the non-prison 71 group was, however, the only group for which sufficient information was available to be included in the discriminant analysis.

IMPLICATIONS OF THE RECIDIVISM ANALYSIS

The finding which has the most significant implications in this conservative analysis is that offenders sentenced to work orders had a lower recidivism rate than a comparable group of offenders sentenced to a short-term of imprisonment. This is true whether recidivism is measured by a conviction for any subsequent offence or by only those subsequent convictions which were considered serious enough to warrant a prison sentence. The difference in recidivism rates between the two groups, although statistically significant, does not by any means indicate that the perfect criminal sanction has at last been found and a fairly high 44.4% of those offenders sentenced to work orders were still convicted of subsequent offences, whilst 18.1% were sentenced to a subsequent term of imprisonment within the 18-month follow-up period.

A number of other important implications in relation to sentencing have emerged from this analysis.

When the 1971 prison group was separated into those offenders who would have received a work order sentence had work orders been available and those who would have gone to prison regardless, significant differences were found between the two groups on all measures relating to previous criminality.

- * A greater proportion of the PR71(PR) group had a prior record than the PR71(WO) group, (91.0% compared to 81.6%) -

$$\chi^2 = 4.57; \text{ d.f.} = 1; p < .05 \quad (\text{Figure 81})$$

- * Offenders in the PR71(PR) group had a more extensive prior criminal record at an average of 6.1 convictions each compared to an average of 3.0 each for the PR71(WO) group -

$$t = 5.69; \text{ d.f.} = 318; p < .001 \quad (\text{Figure 82})$$

- * A significantly greater proportion of the PR71(PR) group had served prior prison sentences, 53.6% compared to 9.2% for the PR71(WO) group -

$$\chi^2 = 49.72; \text{ d.f.} = 1; p < .001 \quad (\text{Figure 83})$$

- * Offenders in the PR71(PR) group had also served a greater number of prior terms of imprisonment at an average of 2.09 compared to 0.13 for the PR71(WO) group -

$$t = 6.43; \text{ d.f.} = 318; p < .001 \quad (\text{Figure 84})$$

Thus, on all counts, the PR71(PR) group had a worse record of previous offences and previous imprisonments than the PR71(WO) group. After both groups had served their term of imprisonment, however, no significant differences were found in the recidivism rates. The potentially more "promising" PR71(WO) group had a recidivism rate which was "just as bad" as the PR71(PR) group. This finding is even more significant in the light of the reversal of trends between the WO74(PR) group and the PR71(WO) group, where the former group, although beginning with a significantly worse record, had a significantly lower rate of recidivism.

On the basis of this evidence alone, it would not be possible to substantiate a claim that imprisonment actually led to a higher rate of recidivism for the PR71(WO) group in relation to the WO74(PR) group. The findings do, however, tend to support such a view. But the question arises as to whether the recidivism rate for these offenders would have been as high had they been sentenced to some alternative sanction.

It could be argued that as there were few significant differences in either the prior or subsequent convictions of offenders in the PR71(WO) group and the NP71 group, no case has been established for the effectiveness of a non-prison as opposed to a prison sentence in producing a low rate of recidivism. Although the differences between these two groups were not statistically significant, a reversal of trends similar to that which occurred between the PR71(PR) and PR71(WO) groups, did emerge. The problems associated with the selection procedure for the 1971 non-prison group have been outlined earlier and it could be argued just as strongly that if the recidivism rates between the PR71(WO) and the NP71 groups were similar then little worthwhile purpose has been served in imposing a prison sentence. The lack of effectiveness of a prison sentence in curbing recidivism is particularly highlighted by the lower recidivism rate of the WO74(PR) group in relation to the PR71(WO) group.

This analysis, which has erred on the side of conservatism, has attempted to determine the effects of different types of sentences on matched groups of offenders. It has been found that a work order sentence not only produced a recidivism rate which was no worse than the short-term prison sentence it was replacing, but in fact, when comparable groups are considered, such a sentence resulted in a significantly

lower rate of recidivism. The results of this analysis have also shown that there were no significant differences in the recidivism rates of those offenders sentenced to a short term of imprisonment in 1971 who would have received work orders had they been available and those offenders sentenced to a non-prison sentence in 1971. The implication in this case is that neither sanction (prison or non-prison) could be considered more effective in producing a lower recidivism rate than the other and that those offenders sentenced to prison might just as well have received a non-prison sentence as far as subsequent offences are concerned. Considered in an overall sense, these findings have important and far-reaching implications for sentencing policy.

PART VI

COMPARATIVE COSTS

of

WORK ORDERS

and

IMPRISONMENT

The part that economic considerations played in the formulation of the Work Order Scheme has been outlined in Part I. A new prison had been planned to cope with problems of overcrowding, but the two-and-a-half million dollars required for its construction was not available. Given the financial limitations, an economic alternative to imprisonment had to be found. The alternative decided upon was the Work Order Scheme.

It is obvious that a scheme which allows an offender to live at home and to continue at his normal employment must be cheaper to operate than a system which requires an offender to be housed in a secure setting, fed and clothed for 24 hours a day, seven days a week. The determination of the difference in cost between a work order sentence and a prison sentence is the aim of this section of the evaluation.

COST OF IMPRISONMENT:

The cost of maintaining Tasmania's prisons is given in the Controller of Prisons Annual Report. The cost for the financial year 1974/75 is shown in Table 24 of this evaluation.

The total cost of operating Tasmania's prisons in 1974/75 was \$2,584,708 and this figure includes the recurring expenditure, capital expenditure and the cost of running the prison industries. With a daily average prison population of 342 for the year, the annual gross cost per prisoner was \$7,557.63 or \$145.34 per prisoner per week.

In Tasmania, the prison industries operate a Suspense Account, the details of which are also presented annually in the Controller of Prisons Annual Report. Goods produced in the industries, whether consumed in the prison itself, or supplied to government or semi-government authorities, are recorded at their commercial value. That

Table 24. Cost of imprisonment in Tasmania for 1974/75. (From
Controller of Prisons Annual Report, 1975).

Costs

Recurring expenditure	\$2,088,987
Capital expenditure	\$ 222,000
Cost of prison industries	\$ 273,721
Total cost	\$2,584,708
Daily average of 342 prisoners	
Annual gross cost per prisoner	\$7,557.63
Weekly gross cost per prisoner	\$ 145.34

Value of production

Commercial value of production of prison industries	\$359,175.00
Annual commercial value of production per prisoner	\$ 1,050.22
Weekly commercial value of production per prisoner	\$.20.20

Nett

Annual nett cost	\$2,225,533.00
Annual nett cost per prisoner	\$ 6,507.41
Weekly nett cost per prisoner	\$ 125.14

is, the price which would have had to be paid had the goods been purchased elsewhere.

The commercial value of the goods produced in prison industries in 1974/75 was \$359,175, giving an annual value of production per prisoner of \$1,050.29, or \$20.20 per prisoner per week.⁷

The cost of operating the prison industries is included in the total cost of operating Tasmanian prisons, so that when the annual value of production from prison industries is subtracted from this total, the annual nett cost of the prison system in Tasmania for 1974/75 was \$2,225,533. For the daily average prison population of 342, the annual nett cost per prisoner was \$6507.41, or a nett cost of \$125.14 per prisoner per week.

COST OF THE WORK ORDER SCHEME:

The administration of the Work Order Scheme by the Tasmanian Probation and Parole Service meant that the operational costs of the scheme were absorbed into the overall costs of the Probation and Parole Service. No separate costing for the work order component of the Service is available. An estimate of the costs involved in operating the scheme was derived in consultation with relevant members of the Attorney-General's Department and is shown in Table 25. It was considered that the estimated costing was a generous one, erring on the side of over-estimation rather than under-estimation.

⁷ This low value of production is no doubt related to a number of factors including the type of equipment used, the motivation of the prisoners, and the time taken up with security procedures - particularly musters and roll-calls. The reasons for low prison productivity are not, however, a central issue in this evaluation.

The total gross cost of operating the Work Order Scheme in 1974/75 was estimated to be \$39,520. This figure includes salaries, office space, postage, telephones and the provision of, and repairs to, equipment. For a weekly average of 201 employees on the scheme, as shown in Part III, the annual gross cost per employee was \$196.62 or \$3.78 per employee per week.

No information was available on the value of the work undertaken by the work order employees and it is difficult to estimate this value when a service is provided rather than a tangible product produced. The value of work undertaken by work order employees was costed on a similar basis to the value of production in the prison industries; in this case, the estimated commercial value of the work undertaken. The rates of payment for most services are calculated on the basis of the time spent performing the task. The eight hours work⁸ required of work order employees was costed in a similar way using the ruling minimum adult wage as the scale of payment.

The value of work undertaken by work order employees was calculated according to the estimated number of man-days of work completed. The average weekly attendance on work order projects, as shown in Part III, was 63.3% which, as a proportion of the average 201 employees involved each week, gives 127.23 man-days of labour per week. The ruling minimum adult wage at that time was \$60.70 per week or \$12.14 per day. On this basis, the estimated value of work undertaken was \$1,544.57 per week or \$80,317.75 per year, giving an estimated value of production per employee of \$399.59 per year or \$7.68 per employee per week.

⁸

Work order employees are expected to work a full eight-hour day and their productivity is not hindered by the necessity to partake in musters and roll-calls.

Table 25. Estimated cost of the Work Order Scheme in Tasmania
for 1974/75

Salaries

1 full-time administrator for the Hobart region plus half-time typist/clerk	\$13,000
3 x one-third administrator and support staff for the Launceston, Devonport and Burnie/ West Coast regions	\$13,000
3 paid supervisors for one day per week at \$20 per day	\$ 3,120

General expenses

Office space, postage, telephones, repairs to equipment, etc. estimated \$200 per week	\$10,400
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Total cost	\$39,520
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Weekly average of 201 employees

Annual gross cost per work order employee	\$196.62
Weekly gross cost per work order employee	\$ 3.78

Value of production

Average attendance of 63.3% for 201 employees
= 127.23 man-days of labour per week

127.23 man-days of labour at ruling minimum

adult wage of \$60.70 per week	\$ 1,544.57
Total annual value of production	\$80,317.75
Annual value of production per employee	\$ 399.59
Weekly value of production per employee	\$ 7.68

Nett

Annual nett production	\$40,797.75
Annual nett production per employee	\$ 202.97
Weekly nett production per employee	\$ 3.90

This leaves the anomalous situation, at least as far as correctional schemes are concerned, where the value of work undertaken actually exceeds the cost of operating the scheme. The estimated nett value of work carried out by work order employees when subtracted from the cost of operating the scheme, gives an estimated annual nett "profit" of \$40,797.75, which works out at a "profit" of \$202.97 per employee per year, or \$3.90 per employee per week.

COMPARISON OF COSTS:

Clearly, the Work Order Scheme was cheaper to operate than the prison system.

The following comparison of costs is not intended to imply that time spent in prison is equivalent to time spent on a work order, but as no exchange rate is stipulated in the legislation between prison and work order sentences, the base cost per week of each scheme is presented to allow for cost comparisons at whatever exchange rate is considered appropriate. Whichever exchange rate is used, and one week of imprisonment to two weeks of work orders seems most appropriate, the cost differential increases in favour of the Work Order Scheme.

The gross cost of imprisonment in 1974/75 was \$145.34 per prisoner per week, compared to \$3.78 per work order employee per week - a difference of \$141.56 per offender per week. Further, the estimated value of work carried out by offenders on the Work Order Scheme exceeded the estimated cost of operating the scheme by \$3.90 per offender per week. This nett "profit" compares with a nett "loss" of \$125.14 per prisoner per week. A comparison between the two in nett terms shows a "saving" of \$129.04 per offender per week on the Work Order Scheme in relation to the weekly nett cost of imprisonment.

A comparison of this kind does not take into account the fact that the cost of operating the prison system includes large overhead expenses which remain relatively stable, irrespective of the number of prisoners in the system. In this way, a decrease in the prison population is not reflected in a similar decrease in the cost of operating the prison and, in such a case, the cost per prisoner would actually increase.

A corresponding increase in the prison population would in turn reduce the cost per prisoner. It should be pointed out, however, that at the time the Work Order Scheme was introduced the prisons were overcrowded and, in the absence of a suitable alternative, a new prison would have had to be built. The cost of building a new prison was estimated at two-and-a-half million dollars and with it would have come additional annual operating costs. Thus, not only was the Work Order Scheme cheaper to operate than imprisonment but it also saved the State an additional two-and-a-half million dollars plus operating costs, which would have been required to build and maintain a new prison.

It could be argued that the value of production in the prison industries should have been calculated on the basis of the minimum adult wage as was the case for the work order calculations. It has already been explained that the value of prison production was based on its commercial value and that the price of goods on the commercial market take account of the labour costs. Furthermore, a substantial portion of the prison working day is spent in routine prison matters including musters, roll-calls, security checks and maintaining the prison itself. These procedures reduce the time available to be spent in working in the industries and correspondingly, result in a decrease in prison productivity. Work order employees, on the other hand are not involved in the maintenance of the scheme and are put

to work for a normal eight-hour day as soon as they arrive on the project. The diligence with which work order employees carried out their work may, of course, be questioned but, if the work was unsatisfactory, it would be expected that a poor conduct report would have been submitted and, as outlined in Part III, an average of only 2.8% of the employees received poor conduct reports each week.

It could also be argued that on the basis of the Trades and Labour Council stipulation that no work was to be undertaken by work order employees which would normally be paid for, (see Part I), the work which was undertaken had no commercial value. But as the supervisor of one geriatric home pointed out "Without the Work Order Scheme, this Home would have had to employ two full-time gardeners at a cost in excess of \$10,000 a year. This is money which we pensioners just do not have, so the grounds around here would have been a veritable jungle without the work order chaps". The value of the work is therefore apparent even though it is likely the work would not have been undertaken had the scheme not been introduced.

OTHER COSTS AND BENEFITS:

A direct comparison of the costs of imprisonment and the costs of the Work Order Scheme does not, however, give a complete account of the cost differences between the two schemes and there are a number of other costs and savings which cannot readily be measured. These include the cost of Social Welfare payments to the dependents of prisoners, the loss of employment and tax revenue through imprisonment and the usual payment of unemployment benefits to a prisoner on release from prison until employment is found. These added costs are not generally incurred by offenders sentenced to work orders where work order employees are expected to continue at their normal employment, supporting their own families and contributing to tax revenue.

It is not within the scope of this evaluation, however, to determine the cost differentials between the two schemes on these items.

CONCLUSIONS:

This section of the evaluation has shown that the costs of operating the Work Order Scheme are considerably less than for imprisonment - by around \$140 per offender per week.

It is beyond the scope of this evaluation to attempt to determine just how much money the State saved in 1974/75 as a result of the introduction of the Work Order Scheme in 1972. A rough estimate can, however, be made on the basis of the expected daily average prison population in 1974/75 had work orders not been introduced.

Based on the daily average prison population regression line for the five years prior to the introduction of work orders, the expected daily average prison population for 1974/75 was 473. The actual daily average was 342 prisoners or 131 less than expected.

A daily average of an additional 131 prisoners at an annual gross cost of \$7,557.63 per prisoner gives an additional gross cost of \$990,049.53 for the year 1974/75 had the alternative sanction not been available. From this must be taken the cost of operating the Work Order Scheme estimated at \$39,520 for 1974/75, leaving a total additional cost for 131 prisoners of around \$950,000.

This estimated additional cost is given as a guide only and it has been mentioned earlier that the high overhead expenses in operating a prison mean that fluctuations in the prison population are not reflected in corresponding fluctuations of cost. It must be remembered however, that the Work Order Scheme was seen as an alternative to a

new two-and-a-half million dollar prison and the cost of building this new prison, together with its annual operating costs, should also be weighed up against the cost of operating the Work Order Scheme.

There is no doubt that a work order sentence is far more economical than a prison sentence and, on the figures available, the new scheme could be said to have saved Tasmanian taxpayers something in the order of between half a million and one million dollars in 1974/75.

PART VII

CONCLUSIONS

The preceding sections of this evaluation have dealt with specific aspects of the Work Order Scheme, and analysed them in isolation from each other. This section of the evaluation will give an overview of the findings, focus some attention on the qualitative aspects of the scheme and suggest ways in which the scheme could be improved.

OVERVIEW:

The impetus for the introduction of the Work Order Scheme into the Tasmanian criminal justice system was purely economic brought about by an overcrowding of the prison capacity, and a lack of funds to extend this capacity.

The Probation and Parole Service, in consultation with the Judiciary, Police, Prisons, Trades and Labour Council, Service Organisations, and interested members of the community, devised a scheme whereby an offender could be sentenced to a number of days of work in the community, up to a maximum of 25 for any offence, as an optional alternative to imprisonment. The scheme was implemented on a State-wide basis and administered regionally by the Probation and Parole Service. The projects undertaken were of a charitable nature, ranging from cleaning dog compounds for the Canine Defence League, clearing and maintaining Pioneer Cemeteries, developing and constructing children's playgrounds, grounds maintenance at geriatric homes and children's homes to general maintenance of individual pensioners' homes and gardens. The necessary supervision was provided on an honorary basis by the beneficiaries of the work being done.

The introduction of the Work Order Scheme in February 1972 was accompanied by a reversal of trends in the prison population. Prior to the introduction of the Work Order Scheme, the prison population was

increasing, after the scheme's introduction, it began to decrease. In Tasmania it was considered that this was largely due to the availability of the alternative sanction. A comparison with prison population trends in the other States, however, showed similar trends, even though no alternative scheme had been adopted in these States at that time. This would seem to indicate an Australia-wide change in sentencing policy, which coincided with the introduction of work orders in Tasmania. It is, therefore, not possible to determine the effect of the introduction of work orders on the Tasmanian prison population, independent of the Australia-wide change in sentencing policy. It seems reasonable to conclude, however, that the introduction of the Work Order Scheme did play a significant part in the reversal of trends in the Tasmanian prison population.

An analysis of the operation of the scheme showed an average weekly attendance of 63.3% of the 201 employees on the scheme each week. An average of 12.3% were absent without leave each week, and the remaining 24.4% were absent with permission. Excellent conduct reports were issued to an average of 5.5% of the employees per week, while 2.8% received poor conduct reports. Forty-three percent of the 451 offenders in the operational analysis were absent without leave at some time during the 6-month observation period; 5.5% absconded; and 1.6% were returned to court for non-compliance with their work order instructions. Attendance and conduct rates differed significantly between the various types of projects on which offenders were placed. There were also differences in performances between the regions under whose jurisdiction the offenders came. The most successful projects were of an individual assistance nature where an offender worked on a one-to-one basis for a pensioner. The least successful were those classed as impersonal group projects

where two or more offenders worked on projects which did not involve personal contact with other people such as clearing pioneer cemeteries, or cleaning dog kennels for the Canine Defence League. Although an experimental design to test whether this difference in attendance and conduct on work order projects was due to the nature of the project or the nature of the offender could not realistically be implemented, it was considered that both factors played a part.

The regional differences in attendance and conduct which emerged were more obviously related to the type of regime imposed by the Regional Administrator. A firm but fair regime, with a system of remissions had the highest overall success while an uninvolved, unenthusiastic regime had the lowest overall success.

The characteristics of offenders sentenced to work orders were similar to those found throughout the criminal justice system in the western world. The majority were young, single males, who had left school at an early age and were working in unskilled or semi-skilled jobs. Eighty-nine percent had prior convictions and 17% had served prior prison sentences. The offences for which offenders were sentenced to work orders covered a wide range and included robbery (not armed), assault, break enter and steal, burglary, receiving stolen goods, illegal use of a motor vehicle, drunk and disorderly, drunk and incapable, disturbing the peace, creating a nuisance, drunken driving (exceed .08), and driving whilst disqualified.

On the information available, it was not possible to accurately identify offenders who were likely to default on the scheme by either non-attendance or recidivism.

A comparison of recidivism rates between offenders sentenced to work

orders and offenders sentenced to three months' imprisonment or less showed that 47.1% of the work order group were convicted of subsequent offences compared to 61.8% of the short-term prison group during a similar follow-up period which ranged from 6-18 months. Similar differences between the two groups were found when convictions which resulted in subsequent imprisonment were used as the criterion for recidivism, with 18.8% of the work order group being sentenced to a subsequent term of imprisonment compared to 40.0% of the short-term prison group. While these differences in recidivism are important, it could not be claimed that they were due to the type of sentence imposed, as there were significant differences in the prior criminal record and personal characteristics of offenders in the two groups.

Comparable groups of offenders sentenced to a short-term prison sentence and a work order sentence were constructed by separating out those offenders sentenced to a short-term prison sentence in 1971 (the year before work orders were introduced) who would have received a work order sentence had the option been available, and those offenders sentenced to work orders in 1974 who would have received a prison sentence had work orders not been available.

A comparison of the recidivism rates between these two groups of offenders showed that 44.4% of the offenders sentenced to work orders who would have received a prison sentence had work orders not been available, were convicted of subsequent offences, compared to 57.5% of the offenders sentenced to prison who would have received a work order sentence had the option been available. Similar differences were found between the two groups when any subsequent conviction which resulted in a prison sentence was used as the criterion. Of the

offenders sentenced to work orders who would have received a prison sentence had work orders not been available, 18.1% were sentenced to a subsequent term of imprisonment, compared to 31.0% of the offenders sentenced to prison who would have received a work order sentence had the option been available.

These differences were statistically significant, and show that offenders sentenced to work orders had a lower rate of recidivism than a comparable group of offenders sentenced to a term of imprisonment.

A comparison of the costs of imprisonment and the costs of the Work Order Scheme showed that the gross cost of imprisonment in 1974/75 was \$145.34 per prisoner per week, compared to an estimated gross cost of \$3.78 per work order employee per week. Taking into account the value of production in the two schemes, the nett cost of imprisonment was \$125.14 per prisoner per week, compared to a nett "profit" of \$3.90 per work order employee per week. It could not be assumed that the transfer of offenders from one scheme to the other would result in similar increased costs or savings, and it was not possible to determine accurately the amount saved by the State through the introduction of work orders. However, with all factors considered, an estimate of the savings would seem to be within the range of half a million to one million dollars for 1974/75.

ANECDOTAL EVIDENCE:

The evidence presented so far in this evaluation has been of a quantitative kind and has shown that the Work Order Scheme is a viable optional alternative to imprisonment. But, a purely quantitative analysis does not give the full story and the qualitative aspects of the scheme must also be taken into account. This is perhaps best

achieved by detailing the most outstanding successes and failures of the scheme.

The most outstanding failure involved a young compulsive thief who was completing his work order by clearing and maintaining the garden of an elderly widowed pensioner. The pensioner leased a small flat at the rear of her house to a young married couple who were absent for a time, leaving a purse and money on the table behind an unlocked door. It does not take too much imagination to piece the story together. The work order employee stole the money, left his work project, and headed for the nearest hotel, where he was picked up shortly afterwards by the police. This was the only breakdown of this nature, namely a betrayal of trust on the part of the work order employee, which had occurred in the first four years of the scheme's operation.

Another example of a breakdown, of a less serious nature this time, concerned an employee who did a "break and enter job" while he was absent without leave from his work order project.

Not all breakdowns, however, can be attributed to the work order employee; at times it was the supervisor at fault. A minister of religion was appointed as a work order supervisor for employees in a rural area in which he was stationed. The projects nominated had been accepted by the Work Order Projects Committee and involved cleaning up the the old cemetery around the church, clearing the church grounds, some minor work involving painting and cleaning of the church itself, and then providing assistance to individual pensioners in the area. Work order supervisors can claim a nominal \$20 per day for supervision, together with an allowance for travelling expenses. This supervisor claimed the maximum allowable each week. A number of weeks passed before it was discovered that the supervisor was capitalising on the

scheme to have his own private garden improved and maintained by the work order employees, rather than supervising their work on the projects which had been accepted by the Projects Committee. The supervisor was rapidly phased out of the scheme in as diplomatic way as possible to avoid repercussions and ill-feeling.

Along a similar vein, a work order employee was placed with a deserted wife who had a number of small children and needed some assistance around the home. Not long after acquiring the services of the work order employee she took in a new male companion, who then established himself on the verandah, can of Foster's in hand, and proceeded to issue instructions and ultimatums to the work order employee. Rapid intervention was required and the work order employee transferred to another project to prevent the very real possibility of violence erupting.

The other major breakdown occurred in the early days of the scheme and has been outlined in Part I. A local council employee acted as a work order supervisor on a project which involved picking up stones from a 250 hectare reserve, a rather dull and monotonous task at the best of times. To make matters worse, the supervisor viewed the employees as a convict chain-gang, and ordered that they work ten feet apart without talking to each other. After only a few weeks he had a rebellion on his hands, with the work order employees refusing to take any more orders from him, claiming they would rather go to prison than work under his supervision. Once again, rapid diplomatic intervention was required to defuse the situation.

These were the most serious breakdowns in the first four years of the scheme's operation, and are well balanced by some of the outstanding successes. Breakdowns of the nature outlined above are,

however, potentially very dangerous to such a scheme as they are likely to receive wide-spread publicity, and can severely damage community acceptance of the scheme.

One of the success stories involved a 40-year-old alcoholic who had completed 14 of the 20 work order days to which he had been sentenced for driving whilst disqualified. He was taken from the project facing charges related to a previous offence, and was remanded in custody for three weeks pending a pre-sentence report. The administrator for the region received at least three phone calls and several other reports from concerned pensioners for whom the work order employee had been working. They wanted to know if there was anything they could do to be of assistance to the employee who had done so much for them during his 14 weeks on the work order. Among those who were prepared to appear in court on the offender's behalf were some who were incapacitated or handicapped. Their willingness to help would, in itself, have caused them some personal hardship. The administrator assured the pensioners that he would incorporate their comments into the pre-sentence report. Later in court, the Magistrate complimented the employee on the impression he had created amongst the elderly folk, and allowed him the option of a further 20 days of work rather than a term of imprisonment. After completing both sentences, the employee continued to work for the pensioners on a voluntary basis on several occasions until another employee could be allocated to the project.

On a similar vein, the construction of an adventure playground at a home for retarded children proved to be one of the more successful personal group projects undertaken in the Hobart region. Over the period of the programme, four young employees put in a considerable

amount of time over and above the requirements of their work orders. One of them voluntarily worked for seven Saturdays beyond the original 20 days to which he was sentenced. The group included one youth who had spent most of his younger days in various institutions and as well as working on the work order project each Saturday, he returned on Sundays when he organised games for the children and provided other assistance in the running of the home.

The importance of matching offenders to projects is illustrated in a case involving a 17-year-old youth who was originally assigned to a group project. After a number of weeks, it was apparent that he was not settling into the project, and was in fact becoming disruptive to the other employees. He was transferred from this project and sent to work for an elderly pensioner who had specifically asked for some of the more difficult cases. He completed his work order in a satisfactory manner. Upon completing his sentence no-one else was available to take over the project, so the work order employee worked for another five Saturdays until a replacement had been found. In the meantime, while the employee worked in the garden, his girlfriend kept the pensioner-supervisor company.

Some of the unquantifiable side-effects of the Work Order Scheme can be illustrated in the case of another 40-year-old alcoholic. Sentenced to a work order for driving whilst disqualified, the employee had an extensive record of imprisonment and unstable employment. When he arrived for his appointment with the Regional Administrator to discuss allocation to a work project, he was ordered from the office because of his drunken state. At the interview the following day, the administrator told the employee he would be placed on a group project, as his drink problem could lead to further

problems if he was placed on a one-to-one basis with a pensioner. Furthermore, he could not be trusted to attend on a regular basis. The employee warned that his placement with a group would only compound the drinking problem. Once the day's work was finished he would no doubt head off to the pub with the other employees on the project. The administrator decided to give him the chance to prove himself, but subject to the strictest supervision. If there were any problems or any complaints, he would not hesitate to take the employee back to court for non-compliance with his work order instructions. Over the next 12 weeks, the employee worked in the garden of a pensioner who commended him as an extremely good worker. Other people in the area also commended on the quality of his work, in that he made the garden "the showpiece of the street". Since completing the programme, the work order employee has maintained contact with the administrator and has found stable employment. He is determined not to be out of work again. His wife reports that his drinking habits have moderated, and that he is now taking an active interest in maintaining his own garden.

The development of social relationships between work order employees and their supervisors are not uncommon as outlined in the case of "Old Doug" (pp. 24-25). Another case concerned a young man who was convicted of a drug offence, and assigned to assist a pensioner couple. The couple, an elderly woman and her husband who had terminal cancer, are reported to have looked forward to each Saturday when the employee would come to work in the grounds of their home. To such an extent, that only on Saturdays did the old man get out of his bed and show any interest in what was going on around him. He would sit in the garden talking to and discussing work with the employee. Since the completion of the work order, social contact has been maintained between the employee and the pensioner couple.

The advantages of flexibility in administration and of having available a wide range of supervisors of different types, are highlighted in the following example. The case involved an offender who was frequently in fights and had an extensive record. Known far and wide as "Dracula", a seemingly appropriate name, he began to cause trouble shortly after beginning work on a group project. More often than not he was absent from the project, and when he did attend he created more disruption than his work was worth. Prosecution was imminent when, as a last resort, he was re-assigned to an elderly people's Home. A widowed pensioner supervisor for whom he was to work had supervised other work order employees for a number of years, and had built up a reputation as being able to handle difficult cases. In spite of this experience and her reputation, however, she expressed the pessimistic view that this was one case with which she would not be able to cope. As the weeks went by, "Dracula's" conduct gradually improved, until finally his conduct was exemplary. The widow later died and the employees working on the project were excused from attending until a new supervisor could be found. "Dracula", however, took it upon himself to initiate his own assistance to the pensioners living in the Home until a new supervisor was appointed.

The development of a sense of pride and achievement in the work order project is apparent in many of the scheme's success stories. There are several examples of employees who have put in time over and above that required of them in their work order sentence to see a project through to its end. One involved a 42-year-old employee with a long history of crimes of violence. A concrete finisher by trade, he was assigned to a project at a local Priory which involved work related to his own trade skills. The employee assumed the role of unofficial supervisor and often came back later in the afternoon or early the

next morning to do the necessary work at the appropriate times for the pouring of the concrete. As a result, 40 yards of concrete were poured, solving the problem of waterlogged grounds.

Many of the examples recounted above sound "almost too good to be true" but they are only a few of a number of similar success stories and no attempt has been made to paint a rosier picture than was actually the case. Suffice it to say that the number and types of successes far outweigh the number and types of breakdowns, and that these successes have been instrumental in the acceptance of the Work Order Scheme by both the courts and the community.

SUGGESTIONS FOR IMPROVEMENT:

This evaluation has shown the Work Order Scheme to be a useful economic optional alternative to imprisonment. In the course of this evaluation, however, a number of ways in which the scheme could be improved have also become apparent and warrant consideration by the Tasmanian Attorney-General's Department for possible implementation into the scheme.

Provide Proper Choice of Alternative Sentences to Offenders -

Currently the procedure for sentencing an offender to a work order is: the court finds the offender guilty and offers him the option of a work order instead of a prison sentence. There has been only one case in the scheme's first four years of operation in which an offender has selected imprisonment. However, the offender is not given a real choice, inasmuch as the court is not required to, and generally does not, specify the length of each sentence between which the offender is to choose. This resulted in a feeling of resentment on the part of a number of offenders in that they received a

longer-than-expected work order sentence. Many felt that if they had elected to go to prison, they would have been required to serve a much shorter term. There is no way of determining whether they would have been sentenced to a longer or shorter term but the practice of failing to specify the length of each alternative sentence has nevertheless caused some ill-feeling.

It is not suggested that a fixed rate of exchange be established between work orders and imprisonment and the flexibility in sentencing options, allowing the court to tailor the sentence to the offender, seems desirable. However, it is suggested that the full sentencing alternatives between which the offender is to choose, should be spelt out. That is, the offender may be told "one month in prison or eight work order days", or whatever the court deems to be a suitable sentence. The offender then has a proper choice and, if convicted of non-compliance with his work order instructions, there is no ambiguity as to how much of his original sentence remains to be served.

Limit the Length of a Work Order Sentence which can be Imposed -

Currently, a work order sentence is limited to a maximum of 25 work order days for an offence, which normally takes six months to complete. This has been interpreted by the courts as 25 work order days for only one offence, so that an offender convicted of more than one offence can be sentenced to more than 25 work order days. As a result, a small number of offenders have been sentenced to 100 or more work order days, which would take in excess of two years to complete. Sentences of this length have a disheartening effect on the employee in that they often see their sentence as being interminable. Such sentences also impose a considerable burden on the family of the offender when he is unable to spend any Saturday

at home for such a long period of time. These lengthy work order sentences tend to make the offender lose heart, he becomes disinterested, and can become a disruptive influence on the work project.

There are possibly two alternative solutions to this problem. The first would be to make the sentences concurrent; the second would be to defer passing sentence until a suitable amount of time has elapsed for the first work order sentence to have been completed. This would alleviate some of the problems created by the long sentences, and would also allow the courts to monitor the offender's progress before passing sentence on him again.

Introduce a System of Remissions -

The low defaulting rates in the Burnie and West Coast regions seem to have been largely influenced by the unofficial system of giving remissions of one day off for every ten days satisfactorily completed, practised in these regions. This system of rewards for satisfactory work and attendance appears to have increased the motivation of the work order employees, resulting in a relatively trouble-free operation of the scheme. It is suggested that a similar system of remissions be officially adopted on a State-wide basis.

Develop a Greater Number of Individual Assistance Projects -

The operational analysis, together with the anecdotal evidence, has shown that individual assistance projects, where an offender works on a one-to-one basis for a pensioner, are generally the most successful both in terms of attendance and an apparent change of attitude on the part of the offender. Although it must be remembered that offenders should be matched to suitable projects, and that not all offenders are suitable for individual assistance projects, it is suggested that

the further development of projects of this nature, particularly in the Launceston and Devonport regions, would help to decrease the relatively high defaulting rates in those regions.

Develop Guidelines for Accepted Levels of Flexibility in Attendance -

One of the major advantages of the Tasmanian Work Order Scheme is the degree of flexibility in attendance which has been built into the scheme. While initially, the legislation allowed work orders to be completed only on Saturdays, this was changed so that work could be carried out on any day of the week. The change in legislation was of particular importance to shift-workers who would not otherwise have been able to complete a work order sentence without interference to their normal employment.

Two other advantages of this flexibility are that an employee can be excused from attending for a period of time if circumstances warrant this; or the length of time taken to complete a sentence can be reduced by allowing the employee to work more than one day per week. An example of the former is the case where a work order employee's wife deserts, leaving him with a number of children. In this case, the employee is excused from attending until the domestic situation sorts itself out. An example of the latter case is where an unemployed work order employee has been accepted for the Armed Services, but cannot join until his indebtedness to the court is cleared. In this case the employee is permitted to work his days consecutively so that he can join the Services at the next intake. Both of these cases actually occurred and it is to the scheme's credit that it could cope with these types of situations.

However, it was noticed that in some instances, unemployed offenders sentenced to work orders were permitted to work their days during the

week, thereby allowing them the weekend to themselves. It was even suggested that one or two offenders sentenced to work orders had left their employment so that they could complete their sentences in a leisurely pace at their own convenience.

This would appear to be contrary to the spirit of the scheme, which is based on a loss of leisure rather than a loss of liberty, and also loses the intermittent reinforcement component of the punishment. Stricter legislative control does not seem warranted, as this would unnecessarily restrict and hamper the desired degree of flexibility which the scheme currently has. However, it is suggested that more rigorous guidelines be drawn up to assist the administrators in their discretionary powers.

Provide Roving Supervisors -

It was found that a large number of pensioner/supervisors were left very much to their own devices in the supervision of work order employees and a number of them expressed some concern about decisions which they had to take in relation to their charges. These were, generally speaking, of a minor nature, such as how much flexibility is allowed in starting and finishing times when the employee has worked well, has not stopped for lunch and has a good reason to leave half-an-hour early; is the employee allowed to do some urgent work for my widowed pensioner neighbours or must he only work in my garden. They can, however, involve more serious matters such as when an employee disqualified from driving arrives for work in his own car; or an employee going for a counter-lunch, returning to work late, drunk and insolent. These problems and the decisions to be made for dealing with them, can cause considerable stress on the pensioner-supervisor, particularly widows living alone. Roving supervisors who

visit each project each day the project is active have been appointed in some regions. It is suggested that an appropriate number of roving supervisors be appointed throughout the State so that each project is visited by a roving supervisor for a short time on every day in which the project is active. This would overcome most of these problems, and would help boost the morale of the pensioner/supervisors, so that they do not feel isolated or threatened in a situation beyond their control.

Take Steps to Maintain Morale on the Scheme -

Work order projects and their supervisors are widely scattered throughout the State. In visiting some of these outlying projects, it was found that some of the supervisors had had no personal contact with any of the Probation and Parole staff for one or more years. They were extremely pleased to find that "some-one from Head Office" knew of their existence and what they were doing, and had enough interest to come and see at first-hand what was being done.

Staff of the Attorney-General's Department put a lot of time and effort into developing the scheme particularly in a public relations sense to get community support and involvement. However, once the scheme was operating, little effort was expended in maintaining or boosting the morale within the scheme. It is suggested that an officer from the Attorney-General's Department visit each supervisor at least twice a year in order to maintain the morale and community involvement which this scheme has generated. This task could be undertaken by a State Work Order Co-ordinator, suggested later.

Introduce Welfare Component -

The anecdotal evidence of this evaluation has highlighted numerous

cases where personal relationships were developed between work order employees and their pensioner-supervisors. These relationships allowed for a situation of "give and take" to develop where the employee provided assistance to a pensioner and in turn, many pensioners were able to help the employees working for them. This was not always the case however, and the ability of a pensioner to deal adequately with certain types of problems is somewhat limited.

It is suggested that a welfare component be incorporated into the Work Order Scheme to provide assistance to employees through education, guidance and counselling. This welfare component would be available to employees at the discretion of the administrator and would be voluntary. Time spent on welfare programmes would be considered to be part of the sentence but only up to a certain maximum proportion - say around 25%.

Cases where offenders might benefit from a welfare component could include illiterate traffic offenders convicted of driving without a licence or driving whilst disqualified, and who had been unable to obtain a licence because they could not read or write. Verbal instructions on the traffic code could be provided and offenders assisted in completing the necessary forms. Offenders with drug or alcohol problems, financial, marital or employment problems could be assisted through the welfare programme in a similar way.

The administrator would have to exercise careful screening to ensure employees were not taking up the welfare option simply to get out of work. Similarly, employees should not be forced to take part in the welfare component of the scheme if they would prefer to complete their entire sentence on a work order project.

The welfare programme could be provided by trained volunteers, of which a large number are already available in the community.

Appoint a State Work Order Co-ordinator -

It was found that there was a lack of co-ordination and lack of staff to administer the Work Order Scheme at an optimum level. This was apparent in all regions but particularly so in the Devonport region where two probation officers were responsible for a heavy case-load of probationers as well as the administration of 37 work order employees. Regional differences in administration such as the practice of allowing unemployed offenders sentenced to work orders, to work during the week, and the unofficial system of remissions practised in particular regions, show a lack of overall co-ordination. It is suggested that a Work Order Co-ordinator be appointed to be responsible for the operation of the Work Order Scheme throughout the State. His duties would be to oversee and co-ordinate the work of the Regional Administrators; to visit each of the work order projects at least twice a year as outlined above; to provide feedback to the courts on the operation of the scheme; to plan and work towards the future development of the scheme; and to generally promote the scheme in the community.

Develop the Scheme to Accommodate More Female Offenders -

At the time this evaluation was undertaken, very few females were sentenced to work orders largely because there were few projects suitable for them. It is suggested that this area be further developed, to accommodate a larger number of female offenders. The development of such projects would be an appropriate task for the State Co-ordinator.

Extend the Scheme as an Option to Other Penalties -

It is suggested that the Work Order Scheme be extended as an optional alternative to court sanctions other than imprisonment. Currently, if an offender is fined and fails to pay his fine he is generally sentenced to a term of imprisonment. A work/fine option programme could be developed along similar lines to the Work Order Scheme. In a work/fine option programme, an offender who is fined could either pay the fine, or work out the value of the fine on community work. A number of problems would have to be resolved, such as the value of the work (the minimum adult wage would seem an appropriate starting point for initial discussion); whether a fixed scale for the value of the work should be applied; and whether the scheme would apply to offences under the State law only, or include offences under Commonwealth law. Administrative problems and issues would also have to be resolved, and this would seem an appropriate task for the State Work Order Co-ordinator.

In conclusion, the Work Order Scheme was found to be a successful, unique, innovative, and viable alternative to imprisonment, with numerous benefits to both the offender and the community. The scheme is worthy of consideration by other Australian States and Territories, and even other western countries with a view to implementation in their own criminal justice systems.

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APPENDICES

APPENDIX A

WORK ORDER LEGISLATION

PROBATION OF OFFENDERS.

No. 82 of 1971.

AN ACT to amend the *Probation of Offenders Act*
1934. [14 December 1971.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Probation of Offenders Act* Short title and citation.
1971.

(2) The *Probation of Offenders Act* 1934, as subsequently amended, is in this Act referred to as the Principal Act.

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Probation of Offenders.

1971.

Heading.

2 Before section one of the Principal Act the following heading is inserted:—

“ PART I

“ PRELIMINARY ”.

Interpretation.

3 Section two A of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsection:—

“(1) In this Act, unless the contrary intention appears—

‘ employee ’ means a person subject to a work order;

‘ probation order ’ means an order under section three placing, or requiring a person to be placed, under the supervision of a probation officer appointed under this Act or of such other person as may be named in the order;

‘ supervisor ’ means a person appointed under section seven G as a supervisor for the purposes of section seven B;

‘ work order ’ means an order made under subsection (1) of section seven A;

‘ work order committee ’ means a committee appointed under section seven F.”.

Heading.

4 After section two A of the Principal Act the following heading is inserted:—

“ PART II

“ ADMINISTRATION ”.

Probation officers.

5 Section seven of the Principal Act is transposed to follow the heading inserted by section four of this Act, and is renumbered two B.

Heading.

6 After section two B of the Principal Act as renumbered by section five of this Act the following heading is inserted:—

“ PART III

“ PROBATION ”.

Conditional release of offenders.

7 Section three of the Principal Act is amended by inserting in subsection (2B), after the word “ imprisonment ”, the words “, or made a work order,”.

If offender fails to observe conditions.

8 Section six of the Principal Act is amended—

(a) by omitting subsections (1) to (4) and substituting therefor the following subsections:—

“(1) Where an offender is bound by a recognizance under this Act to appear for conviction or sentence—

(a) before the Supreme Court, proceedings may be taken, as prescribed by rules of court made under section twelve of the *Criminal Code Act 1924* as if this Part were contained in the *Criminal Code*, to bring the offender before that court for the purposes of subsection (3) of this section; or

(b) before a court of summary jurisdiction, proceedings may be taken, as prescribed by rules made under section one hundred and forty-four of the *Justices Act 1959*, to bring the offender before a court of summary jurisdiction for the purposes of subsection (3) of this section.

“(2) Rules made for the purposes of either paragraph of subsection (1) of this section may provide for the arrest of an offender and for proceedings thereon before a justice or court of summary jurisdiction.”;

(b) by renumbering subsection (5) as subsection (3); and

(c) by omitting from that subsection the words “bound by a recognizance under this Act” and substituting therefor the words “brought under subsection (1) of this section”.

9 After section six of the Principal Act the following Part is inserted:—

“PART IV

“WORK ORDERS

“7. This Part shall commence on a date to be fixed by proclamation and shall expire at the end of a period of two years from that date. Commencement and expiry of Part.

“7A—(1) Instead of sentencing a person to undergo a term of imprisonment, the Supreme Court and courts of summary jurisdiction may, with the person’s consent, adjudge that he for his offence attend at such places and times as shall be notified to him in writing by a probation officer or a supervisor, on so many Saturdays, not exceeding twenty-five, as the court may order, and thereafter to do such things for such times as may be required of him under section seven B. Power to make work orders.

“(2) A memorandum of an order under this section in the prescribed form and supplemented by the prescribed information shall be drawn up, be sealed or signed as prescribed, and be given to the person against whom the order is made before he is entitled to depart from the court by which the order is made.

“(3) A work order shall be made only where it appears to the court that provision has been or will be made for the doing of work by the person against whom it is made.

“(4) A copy of a work order shall be sent forthwith to the Secretary of the Attorney-General’s Department.

“7B—(1) Where a work order has been made against a person, a probation officer or a supervisor shall notify him in writing that on a specified Saturday or Saturdays he is required to report to a supervisor at a specified place and time and of any special provision made for his transportation to that place. Effect of work orders.

"(2) Subject to subsection (3) of this section, transportation for the purposes of subsection (1) may be by public transport, or by departmental transport, or by one for part of the way and by the other for part of the way.

"(3) For the purposes of subsection (1) of this section, an employee shall not be required to travel between his place of abode and the place at which he is required to report, in addition to the distance for which transportation is provided, a distance, measured by the shortest practicable route, of more than seven miles.

"(4) In pursuance of subsections (1), (2), and (3) of this section, it is lawful to provide that an employee shall travel by departmental transport leaving a specified place at a specified time for a specified destination and then by public transport similarly, leaving him to use such means as he may have or choose to go to the first-mentioned place and from the specified destination of the public transport to the place at which he is required to report, or to make any similar simpler or more complicated provision.

"(5) If an employee in attempting to comply with subsection (1) of this section finds, after due inquiry, no means of transportation as mentioned in the notification thereunder or no supervisor to report to, as the case may be, he shall wait for it or him one hour and, if at the end of that hour he still cannot travel or report, he is at liberty for the rest of the relevant Saturday, and shall be deemed to have done all that was required of him under this section on that day.

"(6) When an employee has reported to a supervisor in compliance with subsection (1) of this section, he shall do such work or other activity as the latter orders subject to the regulations made under this Act.

"(7) That which an employee is required to do under a work order shall—

- (a) be such work or other activity or such kind or class of work or activity as a work order committee has approved; and
- (b) not be continued for more than eight hours, exclusive of any time allowed for lunch, on any one day.

"(8) An employee shall, in respect of his attendance, travelling, and work or activity under a work order, be deemed to be a worker employed by the Crown for the purposes of the *Workers' Compensation Act 1927* and to be a worker within the meaning of that Act, notwithstanding anything to the contrary in subsection (3) of section four of that Act, paid—

- (a) at a rate equal to the basic rate, as defined in that Act;
or
- (b) at the rate of his average weekly earnings, if any, within the meaning of that Act,

whichever is the greater rate.

"(9) In this section 'departmental transport' means transport arranged by the Attorney-General's Department, a probation officer, or a supervisor.

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"7c—(1) On application on behalf of the Crown or by the employee, a work order may at any time during its currency be reviewed by the Supreme Court or a court of summary jurisdiction, according as the order was made by the Supreme Court or a court of summary jurisdiction. Variation, &c.,
of work order.

"(2) Before a court reviews a work order under this section, it must appear, by affidavit or otherwise, that—

(a) the condition or circumstances of the employee—

(i) has or have changed since the order was made;
or

(ii) was or were not such as the court making the order thought it or them to be,

so that the order should not, in consequence, be put into or continued in execution;

(b) the employee is in custody awaiting trial or under a sentence of imprisonment;

(c) the employee is resisting or evading, or attempting to resist or evade, the execution of the order;

(d) the employee's conduct in respect of any matter required of him by or under this Act in respect of the order is such as to make the execution of the order—

(i) impossible; or

(ii) difficult for any person concerned with or affected by its execution; or

(e) the employee has been convicted of a contravention of subsection (1) of section seven D.

"(3) On review of a work order under this section, the court reviewing it may—

(a) discharge it without more;

(b) revoke it and order and adjudge that the employee for the offence for which it was made be fined or imprisoned; or

(c) reduce the number of Saturdays for which it is to last.

"(4) In exercising its power under paragraph (b) of subsection (3) of this section the court shall take into account—

(a) that the work order was made; and

(b) anything done under it.

"7d—(1) If an employee—

(a) fails to attend as required by a probation officer or supervisor;

(b) fails to carry out in a proper or reasonable manner the work or activity required of him;

(c) disturbs or interferes with any other person working or doing anything under a work order;

(d) assaults, threatens, insults, or uses abusive or unfitting language to a probation officer or a supervisor;

(e) fails to comply with subsection (4) of section seven E;

(f) changes his place of abode for the purpose of evading the execution of this Act; or

Operation and
enforcement of
work order.

(g) commits a breach of the regulations,
he commits an offence for which a probation officer may proceed against him under the *Justices Act 1959*.

“(2) The court before which a complaint under this section is heard may—

- (a) impose a penalty of one hundred dollars; or
- (b) increase the number of Saturdays specified in the order by not more than twenty-five more.

“(3) If it appears to a justice that there is reason to suspect that an employee will—

- (a) leave the State before the expiration of; or
- (b) not comply with,

the work order to which he is subject, he may issue his warrant for the employee's arrest.

“(4) On the arrest of an employee under such a warrant he shall be brought before justices forthwith and if it appears to them likely that the employee will so leave or fail to comply they may—

- (a) if the work order was made by the Supreme Court, remand him in custody to be brought before that court, which may revoke that order and adjudge that the employee for the offence for which it was made be fined or imprisoned; or
- (b) if the work order was made by a court of summary jurisdiction—
 - (i) remand him to another court of summary jurisdiction, which may; or
 - (ii) themselves, revoke that order and adjudge that the employee for the offence for which it was made be fined or imprisoned.

Place of
abode.

“7E—(1) For the purposes of subsection (3) of section seven B an employee's place of abode shall be determined by the person giving the notification referred to in subsection (1) of that section.

“(2) If an employee considers that—

- (a) his place of abode has been wrongly determined for the purposes of that subsection; and
- (b) he has, in consequence, been required to travel further than that subsection permits,

he may, after consultation with the person giving the notification, apply forthwith to a justice, who may confirm the notification or refer it to a court of summary jurisdiction, which may on hearing the employee and the person giving the notification or a probation officer confirm or quash the notification.

“(3) For the purposes of subsection (2) of this section—

- (a) a justice shall not refer a notification to a court of summary jurisdiction without first consulting the person giving the notification; and

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- (b) consultation may be done by telephone, for which purpose a person answering to a name, personal or of office or position, at a number where the person of that name is reasonably expected to be shall be deemed in the absence of evidence to the contrary to be the person of that name.

"(4) If an employee changes his place of abode he shall give notice of the change forthwith in writing to the Secretary of the Attorney-General's Department.

"7F—(1) The Minister may appoint so many committees for Committees. the purposes of section seven B as he thinks fit.

"(2) A committee appointed under this section—

- (a) shall consist of three, four, or five persons of whom one shall have been nominated for the purpose by the body of persons known as the Tasmanian Trades and Labor Council; and
- (b) shall not decide upon a form of work or activity for the purposes of section seven B without the concurrence of the member so nominated.

"7G—(1) The Minister may appoint supervisors for the purposes of this Part, either by name or by reference only to an office or position held by the person to be appointed. Appointment of officers.

"(2) A probation officer or a supervisor appointed under subsection (1) of this section may appoint any person a supervisor to act in his place on a specified day.

"(3) Every supervisor shall on his appointment be given a warrant of appointment in the prescribed form, which by its production to an employee shall be conclusive evidence that the person producing it is a supervisor.

"7H. Nothing in this Part affects the operation of Part III." Effect of Part.

10 Before section eight of the Principal Act the following heading is inserted:— Heading.

"PART V

" MISCELLANEOUS."

11 Section eight of the Principal Act is amended by adding, at the end thereof the following subsection:— Regulations.

"(2) Regulations for the purposes of Part IV may—

- (a) regulate the execution of work orders;
- (b) prescribe the conduct of supervisors and of employees;
- (c) provide for the health and safety of supervisors and employees;
- (d) prescribe the effect of injury and sickness in relation to work orders;
- (e) regulate the conduct of the public at places where employees attend or act; and

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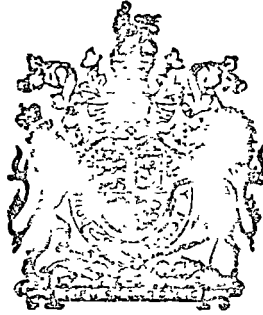
- (f) provide for penalties not exceeding one hundred dollars for contraventions of regulations made pursuant to paragraph (e) of this subsection.”.

Interim
rules.

12—(1) The Minister may make rules for the purposes of subsection (1) of section six and of section seven c of the Principal Act with all the powers of the judges within the meaning of section twelve of the *Criminal Code Act* 1924 or of the Governor and the rule committee under section one hundred and forty-four of the *Justices Act* 1959, as the case may require.

(2) Rules made under this section shall come into force on their publication in the *Gazette* and continue in force until rescinded by rules made under the relevant section mentioned in subsection (1) of this section.

TASMANIA.



PROBATION OF OFFENDERS.

No. 2 of 1973.

ANALYSIS.

PART I—PRELIMINARY.

1. Short title and commencement.
2. Repeals and amendment.
3. Interpretation.

PART II—ADMINISTRATION.

4. Probation officers.
5. Probation officers' reports.

PART III—PROBATION.

6. Probation orders.
7. Conditional release of offenders.
8. Power to vary probation order.
9. Breach of probation order.

PART IV—WORK ORDERS.

10. Expiry of Part.
11. Power to make work orders.
12. Effect of work orders.
13. Variation, &c., of work order.
14. Operation and enforcement of work order.
15. Place of abode.
16. Committees.
17. Appointment of officers.
18. Effect of Part.

PART V—MISCELLANEOUS.

19. Regulations.
20. Interim rules.

AN ACT to consolidate and amend the law on probation of offenders and related matters.

[3 May 1973.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I.

PRELIMINARY.

1—(1) This Act may be cited as the *Probation of Offenders Act* 1973. Short title and commencement.

(2) This Act shall commence on a date to be fixed by proclamation.

2

No. 2.

Probation of Offenders.

1973.

Repeals and
amendment.**2**—(1) The Acts specified in the schedule are repealed.(2) The *Child Welfare Act* 1960 is amended by omitting from the schedule thereto the paragraph relating to the *Probation of Offenders Act* 1934.Interpretation.
25 Geo. V
No. 74, s. 2A.**3** In this Act, unless the contrary intention appears—

“employee” means a person subject to a work order;

“police officer” has the same meaning as in the *Police Regulation Act* 1898;

“supervisor” means a person appointed under section seventeen as a supervisor for the purposes of section twelve;

“work order” means an order made under subsection (1) of section eleven;

“work order committee” means a committee appointed under section sixteen.

PART II.

ADMINISTRATION.

Probation
officers.
25 Geo. V
No. 74, s. 2A.**4**—(1) The Governor may appoint such and so many probation officers of either sex as he may think necessary or desirable for the purposes of this Act.

(2) It is the duty of a probation officer—

(a) to visit or receive reports from the persons under his supervision as the probation officer may think fit;

(b) to endeavour to ensure that such persons observe the conditions of their probation orders;

(c) to advise, assist, and befriend such persons and, when necessary, to endeavour to find suitable employment; and

(d) to carry out such other duties as may be prescribed or as the court in any case may direct.

Probation
officers'
reports.**5**—(1) A court may, when informing itself on matters relevant to its decision—

(a) whether or not to make use of subsection (1) of section seven; or

(b) as to the sentence proper to be passed on a convicted person,

receive as evidence a written report or oral statement of a probation officer, giving it such weight as to the court appears proper.

(2) Where a written report is made as mentioned in subsection (1) of this section, the proper officer of the court shall give the defendant or his attorney a copy of the report, unless the court orders that the report, or part of the report, be—

(a) not so given; or

(b) shown only to the defendant's counsel.

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(3) Where a court receives evidence under subsection (1) of this section, it shall give the defendant such an opportunity as it thinks reasonable to controvert that evidence or any part of it.

(4) No objection may be taken or allowed to evidence so received on the ground that it is hearsay.

(5) This section has effect notwithstanding anything contained in subsection (8) of section three hundred and eighty-six of the *Criminal Code* or any other enactment or rule of law to the contrary.

PART III.

PROBATION.

6—(1) For the purposes of this Act a probation order is an order of a court that the person against whom it is made be of good behaviour during the period of the order and do or refrain from doing such other things as are specified in the order in accordance with subsection (2) of this section. Probation orders.

(2) A probation order may, subject to this Part, contain—

- (a) a provision that the person against whom it is made shall, when called on at any time during the period of the order, appear for conviction and sentence, or for sentence only;
- (b) a provision that the person against whom it is made shall during the period of the order submit to the supervision of a probation officer or such other person as is named in the order;
- (c) such provisions relating to the supervision, conduct, or welfare of the person against whom it is made as the court may consider desirable; and
- (d) such provisions with respect to residence, abstention from intoxicating liquor or drugs, and other matters as the court may consider necessary for preventing a repetition of the same offence or the commission of other offences.

(3) The period of a probation order may be such period not exceeding three years as the court thinks proper to specify in the order.

(4) Where a probation order contains a provision as provided in paragraph (b) of subsection (2) of this section it is sufficient to provide for submission to the supervision of a probation officer without naming one.

7—(1) Where a person is charged before a court of summary jurisdiction with an offence punishable by such a court, and the court thinks that the charge is proved, but is of the opinion that having regard to— Conditional release of offenders.
25 Geo. V
No. 74, s. 3.

- (a) the character, antecedents, age, health, or mental condition of the defendant;
- (b) the trivial nature of the offence; or
- (c) the extenuating circumstances under which the offence was committed.

it is inexpedient to inflict any punishment, or that it is expedient to release the offender on probation, the court, without proceeding to conviction may—

- (d) dismiss the complaint; or
- (e) make a probation order against the defendant in which it shall provide that the defendant appear for conviction and sentence as provided in paragraph (a) of subsection (2) of section six.

(2) Where a person has been convicted on indictment or under the provisions of section sixty-three of the *Justices Act* 1959 of an offence punishable with imprisonment, and the court is of the opinion that, having regard to—

- (a) the character, antecedents, age, health, or mental condition of the defendant;
- (b) the trivial nature of the offence; or
- (c) the extenuating circumstances under which the offence was committed,

it is inexpedient to inflict any punishment, or that it is expedient to release the offender on probation, the court, in lieu of imposing a sentence of fine or imprisonment, may make a probation order against the defendant in which it shall provide that the defendant appear for sentence as provided in paragraph (a) of subsection (2) of section six.

(3) Where a defendant has been convicted of an offence, the court before which he has been convicted may, whether or not it imposes a fine or a term of imprisonment upon, or makes a work order against, him, make a probation order against him in which it shall include a provision in accordance with paragraph (b) of subsection (2) of section six.

(4) Where a court has imposed a term of imprisonment on a defendant and made a probation order against him as provided in subsection (3) of this section, the probation order shall take effect on the date of the defendant's release from prison.

(5) Where an order (including an order of dismissal) is made under subsection (1) of this section, the order has for the purposes of—

- (a) section twenty-nine of the *Sale of Goods Act* 1896; and
- (b) sections seventy-two and one hundred and forty of the *Justices Act* 1959,

the effect of a conviction of the offence in respect of which the order was made.

(6) The court by which a probation order is made shall explain to the defendant in simple language what he must do or refrain from doing under the order and what may happen to him if he does not obey the order.

Power to vary
probation
order.

§—(1) Where a court of summary jurisdiction has made a probation order, a justice may on the application of a police officer or a probation officer summon the person against whom it was made to appear before any court of summary jurisdiction on the hearing of an application by that officer for the variation of the order.

(2) Where the Supreme Court has made a probation order, proceedings may be taken as prescribed by rules of court made

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under section twelve of the *Criminal Code Act* 1924, as if this Part were contained in the *Criminal Code*, to bring the person against whom it was made before the Supreme Court on the hearing of an application on behalf of the Crown for the variation of the order.

(3) On the hearing of an application under subsection (1) or subsection (2) of this section, the court may receive evidence on affidavit or otherwise and may—

- (a) if it appears to it that the provisions of the probation order should be varied, vary the probation order by—
 - (i) extending or diminishing the duration thereof;
 - (ii) altering or omitting a provision thereof; or
 - (iii) inserting additional provisions therein; or
- (b) on being satisfied that the conduct of the person against whom the probation order was made has been such as to make it unnecessary that he should remain longer under supervision, discharge the probation order.

(4) No such variation may extend the duration of a probation order beyond the period of three years from the date of the original order.

9—(1) Except as provided in subsection (2) of this section, where a person against whom a probation order has been made has contravened any provision of the order, and the order was made—

Breach of
probation
order.

- (a) by a court of summary jurisdiction, a police officer or a probation officer may proceed against that person in any court of summary jurisdiction upon complaint of the contravention; or
- (b) in the Supreme Court, proceedings may be taken as prescribed by rules of court made under section twelve of the *Criminal Code Act* 1924, as if this Part were contained in the *Criminal Code*, to bring that person before the Supreme Court to answer for the contravention.

(2) Where a person is required by a probation order to appear for conviction and sentence or for sentence—

- (a) before the Supreme Court, proceedings may be taken, as prescribed by rules of court made under section twelve of the *Criminal Code Act* 1924 as if this Part were contained in the *Criminal Code*, to bring that person before the court for the purposes of subsection (4) of this section; or
- (b) before a court of summary jurisdiction, proceedings may be taken, as prescribed by rules made under section one hundred and forty-four of the *Justices Act* 1959, to bring the offender before any court of summary jurisdiction for the purposes of subsection (4) of this section.

(3) Rules made for the purposes of either paragraph of subsection (1) or subsection (2) of this section may provide for the arrest of an offender and for proceedings thereon before a justice or court of summary jurisdiction.

(4) A court before which a person is brought under subsection (1) or subsection (2) of this section, on being satisfied that he has contravened a provision of the probation order made against him may forthwith—

(a) in the case of a probation order under subsection (1) of section seven, without further proof of his guilt—

(i) convict and sentence him for the original offence; or

(ii) if the case is one in which the court in the first instance might, under the *Child Welfare Act* 1960, have made a supervision order in respect of him, declared him to be a ward of the State, or committed him to an institution, and he is still apparently under the age of eighteen years, make such an order, declaration, or committal;

(b) in the case of a probation order under subsection (2) of section seven—

(i) sentence him for the original offence; or

(ii) if the case is one in which the court in the first instance might, under the *Child Welfare Act* 1960, have made a supervision order in respect of him, declared him to be a ward of the State, or committed him to an institution, and he is still apparently under the age of eighteen years, make such an order, declaration, or committal; and

(c) in the case of a probation order under subsection (3) of section seven, sentence him to a fine of such amount, not exceeding one hundred dollars, or to such a term of imprisonment, not exceeding six months, or to both, as the court may think desirable in the circumstances.

(5) The powers set forth in paragraphs (a) and (b) of subsection (4) of this section may be exercised during the period of the probation order or within six months thereafter.

(6) The power set forth in paragraph (c) of that subsection may be exercised at any time within twelve months after the contravention of the probation order.

PART IV.

WORK ORDERS.

Expiry of
Part.
25 Geo. V
No. 74, s. 7.
Power to
make work
orders.
Ibid., s. 7A.

10 This Part shall expire on the first day of March 1974.

11—(1) Instead of sentencing a person to undergo a term of imprisonment, the Supreme Court and courts of summary jurisdiction may, with the person's consent, adjudge that he for his offence attend at such places and times as shall be notified to him in writing by a probation officer or a supervisor, on so many Saturdays, not

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exceeding twenty-five, as the court may order, and thereafter to do such things for such times as may be required of him under section twelve.

(2) A memorandum of an order under this section in the prescribed form and supplemented by the prescribed information shall be drawn up, be sealed or signed as prescribed, and be given to the person against whom the order is made before he is entitled to depart from the court by which the order is made.

(3) A work order shall be made only where it appears to the court that provision has been or will be made for the doing of work by the person against whom it is made.

(4) A copy of a work order shall be sent forthwith to the Secretary of the Attorney-General's Department.

12—(1) Where a work order has been made against a person, a probation officer or a supervisor shall notify him in writing that on a specified Saturday or Saturdays he is required to report to a supervisor at a specified place and time and of any special provision made for his transportation to that place.

*Effect of
work orders.
Ibid., s. 7B.*

(2) Subject to subsection (3) of this section, transportation for the purposes of subsection (1) may be by public transport, or by departmental transport, or by one for part of the way and by the other for part of the way.

(3) For the purposes of subsection (1) of this section, an employee shall not be required to travel between his place of abode and the place at which he is required to report, in addition to the distance for which transportation is provided, a distance, measured by the shortest practicable route, of more than seven miles.

(4) In pursuance of subsections (1), (2), and (3) of this section, it is lawful to provide that an employee shall travel by departmental transport leaving a specified place at a specified time for a specified destination and then by public transport similarly, leaving him to use such means as he may have or choose to go to the first-mentioned place and from the specified destination of the public transport to the place at which he is required to report, or to make any similar simpler or more complicated provision.

(5) If an employee in attempting to comply with subsection (1) of this section finds, after due inquiry, no means of transportation as mentioned in the notification thereunder or no supervisor to report to, as the case may be, he shall wait for it or him one hour and, if at the end of that hour he still cannot travel or report, he is at liberty for the rest of the relevant Saturday, and shall be deemed to have done all that was required of him under this section on that day.

(6) When an employee has reported to a supervisor in compliance with subsection (1) of this section, he shall do such work or other activity as the latter orders subject to the regulations made under this Act.

(7) That which an employee is required to do under a work order shall—

- (a) be such work or other activity or such kind or class of work or activity as a work order committee has approved; and
- (b) not be continued for more than eight hours, exclusive of any time allowed for lunch, on any one day.

(8) An employee shall, in respect of his attendance, travelling, and work or activity under a work order, be deemed to be a worker employed by the Crown for the purposes of the *Workers' Compensation Act* 1927 and to be a worker within the meaning of that Act, notwithstanding anything to the contrary in subsection (3) of section four of that Act, paid—

- (a) at a rate equal to the basic rate as defined in that Act; or
- (b) at the rate of his average weekly earnings, if any, within the meaning of that Act,

whichever is the greater rate.

(9) In this section "departmental transport" means transport arranged by the Attorney-General's Department, a probation officer, or a supervisor.

Variation, &c.,
of work order.
Ibid., s. 7C.

13—(1) On application on behalf of the Crown or by the employee, a work order may at any time during its currency be reviewed by the Supreme Court or a court of summary jurisdiction, according as the order was made by the Supreme Court or a court of summary jurisdiction.

(2) Before a court reviews a work order under this section, it must appear, by affidavit or otherwise, that—

- (a) the condition or circumstances of the employee—
 - (i) has or have changed since the order was made; or
 - (ii) was or were not such as the court making the order thought it or them to be,
 so that the order should not, in consequence, be put into or continued in execution;
- (b) the employee is in custody awaiting trial or under a sentence of imprisonment;
- (c) the employee is resisting or evading, or attempting to resist or evade, the execution of the order;
- (d) the employee's conduct in respect of any matter required of him by or under this Act in respect of the order is such as to make the execution of the order—
 - (i) impossible; or
 - (ii) difficult for any person concerned with or affected by its execution; or
- (e) the employee has been convicted of a contravention of subsection (1) of section fourteen.

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(3) On review of a work order under this section, the court reviewing it may—

- (a) discharge it without more;
- (b) revoke it and order and adjudge that the employee for the offence for which it was made be fined or imprisoned; or
- (c) reduce the number of Saturdays for which it is to last.

(4) In exercising its power under paragraph (b) of subsection (3) of this section the court shall take into account—

- (a) that the work order was made; and
- (b) anything done under it.

14—(1) If an employee—

- (a) fails to attend as required by a probation officer or supervisor;
- (b) fails to carry out in a proper or reasonable manner the work or activity required of him;
- (c) disturbs or interferes with any other person working or doing anything under a work order;
- (d) assaults, threatens, insults, or uses abusive or unfitting language to a probation officer or a supervisor;
- (e) fails to comply with subsection (4) of section fifteen;
- (f) changes his place of abode for the purpose of evading the execution of this Act; or
- (g) commits a breach of the regulations,

Operation and
enforcement of
work order.
Ibid., s. 7b.

he commits an offence for which a probation officer may proceed against him under the *Justices Act 1959*.

(2) The court before which a complaint under this section is heard may—

- (a) impose a penalty of one hundred dollars; or
- (b) increase the number of Saturdays specified in the order by not more than twenty-five more.

(3) If it appears to a justice that there is reason to suspect that an employee will—

- (a) leave the State before the expiration of; or
- (b) not comply with,

the work order to which he is subject, he may issue his warrant for the employee's arrest.

(4) On the arrest of an employee under such a warrant he shall be brought before justices forthwith and if it appears to them likely that the employee will so leave or fail to comply they may—

- (a) if the work order was made by the Supreme Court, remand him in custody to be brought before that court, which may revoke that order and adjudge that the employee for the offence for which it was made be fined or imprisoned; or

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1973.

(b) if the work order was made by a court of summary jurisdiction—

(i) remand him to another court of summary jurisdiction, which may; or

(ii) themselves,

revoke that order and adjudge that the employee for the offence for which it was made be fined or imprisoned.

Place of
abode.
Ibid., s. 7E.

15—(1) For the purposes of subsection (3) of section twelve an employee's place of abode shall be determined by the person giving the notification referred to in subsection (1) of that section.

(2) If an employee considers that—

(a) his place of abode has been wrongly determined for the purposes of that subsection; and

(b) he has, in consequence, been required to travel further than that subsection permits,

he may, after consultation with the person giving the notification, apply forthwith to a justice, who may confirm the notification or refer it to a court of summary jurisdiction, which may on hearing the employee and the person giving the notification or a probation officer confirm or quash the notification.

(3) For the purposes of subsection (2) of this section—

(a) a justice shall not refer a notification to a court of summary jurisdiction without first consulting the person giving the notification; and

(b) consultation may be done by telephone, for which purpose a person answering to a name, personal or of office or position, at a number where the person of that name is reasonably expected to be shall be deemed in the absence of evidence to the contrary to be the person of that name.

(4) If an employee changes his place of abode he shall give notice of the change forthwith in writing to the Secretary of the Attorney-General's Department.

Committees.
Ibid., s. 7F.

16—(1) The Minister may appoint so many committees for the purposes of section twelve as he thinks fit.

(2) A committee appointed under this section—

(a) shall consist of three, four, or five persons of whom one shall have been nominated for the purpose by the body of persons known as the Tasmanian Trades and Labour Council; and

(b) shall not decide upon a form of work or activity for the purposes of section twelve without the concurrence of the member so nominated.

Appointment
of officers.
Ibid., s. 7G.

17—(1) The Minister may appoint supervisors for the purposes of this Part, either by name or by reference only to an office or position held by the person to be appointed.

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(2) A probation officer or a supervisor appointed under subsection (1) of this section may appoint any person a supervisor to act in his place on a specified day.

(3) Every supervisor shall on his appointment be given a warrant of appointment in the prescribed form, which by its production to an employee shall be conclusive evidence that the person producing it is a supervisor.

18 Nothing in this Part affects the operation of Part III.

Effect of
Part.
Ibid., s. 7H.

PART V.

MISCELLANEOUS.

19—(1) The Governor may make regulations for the purposes of this Act.

Regulations.
25 Geo. V
No. 74, s. 8.

(2) Regulations for the purposes of Part IV may—

- (a) regulate the execution of work orders;
- (b) prescribe the conduct of supervisors and of employees;
- (c) provide for the health and safety of supervisors and employees;
- (d) prescribe the effect of injury and sickness in relation to work orders;
- (e) regulate the conduct of the public at places where employees attend or act; and
- (f) provide for penalties not exceeding one hundred dollars for contraventions of regulations made pursuant to paragraph (e) of this subsection.

20—(1) The Minister may make rules for the purposes of sections eight, nine, and thirteen with all the powers of the judges within the meaning of section twelve of the *Criminal Code Act* 1924 or of the Governor and the rule committee under section one hundred and forty-four of the *Justices Act* 1959, as the case may require.

Interim rules.
No. 82 of
1971, s. 12.

(2) Rules made under this section shall come into force on their publication in the *Gazette* and continue in force until rescinded by rules made under the relevant section mentioned in subsection (1) of this section.

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Probation of Offenders.

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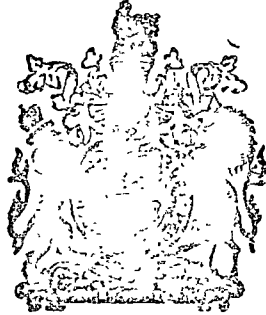
THE SCHEDULE.

(Section 2.)

ACTS REPEALED.

Year and number of Act.	Short title.
25 Geo. V No. 74	<i>Probation of Offenders Act 1934</i>
No. 31 of 1963	<i>Probation of Offenders Act 1963</i>
No. 82 of 1971	<i>Probation of Offenders Act 1971</i>

TASMANIA.



PROBATION OF OFFENDERS (No. 2).

 No. 66 of 1973.

ANALYSIS.

1. Short title, citation, and commencement.
2. Discharge or suspension of probation order.
3. Expiry of Part.
4. Power to make work orders.
5. Effect of work orders.
6. Variation, &c., of work order.
7. Operation and enforcement of work order.
8. Interim rules.

AN ACT to amend the *Probation of Offenders Act 1973*.
 [28 November 1973.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Probation of Offenders Act* (No. 2) 1973. Short title, citation, and commencement.

(2) The *Probation of Offenders Act 1973* is in this Act referred to as the Principal Act.

Price 8c

2 No. 66. *Probation of Offenders (No. 2).* 1973.

(3) This Act shall commence on a date to be fixed by proclamation.

2 After section eight of the Principal Act the following section is inserted:—

Discharge or
suspension of
probation order.

“ 8A—(1) Where a person against whom a probation order has been made becomes subject to guardianship or liable to be detained under the *Mental Health Act* 1963 that order may be discharged or its operation suspended until the occurrence of a specified event—

(a) in the case of an order made by a court of summary jurisdiction, by any court of summary jurisdiction on the application of a probation officer; or

(b) in the case of an order made in the Supreme Court, by that Court on an application on behalf of the Crown.

“(2) An application made under paragraph (a) or under paragraph (b) of subsection (1) of this section may be heard *ex parte*.

“(3) In relation to a probation order made by the Supreme Court, rules of court may be made for the purposes of this section under section twelve of the *Criminal Code Act* 1924 as if this section were contained in the *Criminal Code*.”.

Expiry of Part.

3 Section ten of the Principal Act is repealed.

Power to make
work orders.

4 Section eleven of the Principal Act is amended by omitting from subsection (1) the word “ Saturdays ” and substituting therefor the word “ days ”.

Effect of work
orders.

5 Section twelve of the Principal Act is amended—

(a) by omitting from subsection (1) the words “ Saturday or Saturdays ” and substituting therefor the words “ day or days ”;

(b) by inserting after that subsection the following subsection:—

“(1A) In determining a day for the purposes of subsection (1) of this section a probation officer or a supervisor shall endeavour to fix a day on which a person, against whom a work order has been made, is not gainfully employed, but except for the purposes of complying with the foregoing provisions of this subsection he shall not fix a day other than a Saturday.”; and

(c) by omitting from subsection (5) the word “ Saturday ” and substituting therefor the word “ day ”.

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Probation of Offenders (No. 2).

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6 Section thirteen of the Principal Act is amended by omitting from paragraph (c) of subsection (3) the word "Saturdays" and substituting therefor the word "days". Variation, &c., of work order.

7 Section fourteen of the Principal Act is amended—

(a) by inserting after subsection (1) the following subsection:—

Operation and enforcement of work order.

"(1A) It shall be a defence in any proceedings for an offence under paragraphs (a) and (b) of subsection (1) of this section for the defendant to show that the failure referred to therein arose from his conscientious objection on religious grounds at any specified time or his attendance at any place for religious worship."

(b) by omitting from paragraph (b) of subsection (2) the word "Saturdays" and substituting therefor the word "days";

(c) by transposing the word "or" at the end of paragraph (a) of that subsection to the end of paragraph (b) thereof; and

(d) by inserting after that paragraph the following paragraph:—

"(c) impose a term of imprisonment not exceeding three months."

8 Section twenty of the Principal Act is amended by inserting in subsection (1), after the word "eight," the word "eight A,". Interim rules.

APPENDIX B

WORK ORDER REGULATIONS

STATUTORY RULES

1972, No. 67

Regulations under the Probation of Offenders Act 1934.

I the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, hereby make the following regulations under the *Probation of Offenders Act 1934*.

Dated this twenty-second day of February 1972.

EDRIC BASTYAN, Governor.

By His Excellency's Command,

E. M. BINGHAM, Attorney-General.

PROBATION OF OFFENDERS (WORK ORDERS) REGULATIONS 1972

1 These regulations may be cited as the *Probation of Offenders (Work Orders) Regulations 1972*.

2 In these regulations, a reference to—

Interpre-
tation.

- (a) a form, quoted by a numeral, shall be construed as a reference to such of the forms in the first schedule as is indicated by the context; and
- (b) a schedule, quoted by a numeral, shall be construed as a reference to the schedule to these regulations that is so numbered.

3 For the purposes of subsection (2) of section 7A of the Act, a memorandum of a work order—

Memoranda of
work orders

- (a) shall be in accordance with form 1;
- (b) shall be deemed to be supplemented by the prescribed information if a short description of the operation and effect of a work order is printed at the foot of the memorandum; and
- (c) shall be—
 - (i) sealed with the seal of the Supreme Court or signed by the associate to the judge making the order, in the case of an order made by that court; or
 - (ii) signed by the justice, or one of the justices, making the order, as the case may be, or the clerk of the court in which the order is made, in any other case.

4 A notification under subsection (1) of section 7B of the Act shall be in accordance with form 2.

Notifications
relating to
work orders.

5—(1) For the purposes of subsection (3) of section 7G of the Act, a warrant of appointment of a supervisor shall be in accordance with form 3.

Forms relating
to super-
visors.

(2) An appointment of a person to act as a supervisor on a specified day under subsection (2) of section 7G of the Act shall be in accordance with form 4.

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Probation of Offenders (Work Orders).

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Remuneration
and expenses
of super-
visors.

6—(1) A supervisor (not being a person to whom the *Public Service Act 1923* applies or an honorary probation officer) may be paid the remuneration and expenses specified in the second schedule.

(2) A payment made to a supervisor under sub-regulation (1) of this regulation is subject to an arrangement thereon previously made between the Secretary of the Attorney-General's Department and the supervisor.

Conduct of
supervisors,
&c.

7—(1) A supervisor shall ensure that every employee whom he is supervising carries out in a proper and reasonable manner the work or activity required of him.

(2) A supervisor shall, forthwith after a Saturday on which he is required to supervise employees, forward a report, in writing, to the Secretary of the Attorney-General's Department, giving particulars of—

- (a) the attendance of the employees required to report to him on that day;
- (b) the manner in which the employees who reported to him on that day carried out the work or activity required of them by the supervisor, and
- (c) the conduct of those employees on that day.

(3) A supervisor may excuse an employee from attending on any Saturday under a work order or may excuse an employee from continuing to do any work or activity required of him under a work order on any Saturday, if the supervisor is satisfied that there are reasonable grounds for so doing.

Conduct of
employees, &c.

8—(1) An employee shall, while he is doing any work or other activity under a work order, wear any special protective clothing supplied to him if he is so ordered by his supervisor.

(2) An employee shall, if he requires it, provide his own lunch on every day on which he does any work or other activity under a work order.

(3) An employee is entitled to take—

- (a) one hour off for lunch on every day on which he is doing any work or other activity under a work order; and
- (b) ten minutes in the forenoon, and ten minutes in the afternoon, on that day for tea-breaks,

at such time as his supervisor permits.

(4) An employee who, through illness, is unable to report to a supervisor on a day on which, and at a place at which, he is required to work under a work order, shall, if possible, inform the supervisor thereof, before the time at which he is so required to report to the supervisor, and shall, within a reasonable time, forward to the supervisor a certificate to that effect given by a legally-qualified medical practitioner.

(5) No employee—

- (a) shall report to a supervisor in an intoxicated condition;
- (b) shall bring any intoxicating liquor to the place where he is required to work under a work order or drink any intoxicating liquor during the time that he is working under that order;
- (c) shall wilfully damage or deface any implement, tool, utensil, or other article or any equipment with which he has been supplied, or any property on which or with which he is required to work, under a work order;

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Probation of Offenders (Work Orders).

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- (d) shall, while working under a work order, set alight any article without the permission of his supervisor; or
- (e) shall, while working under a work order, exchange with, give to, or receive any article or thing from, any other employee or other person without the permission of the supervisor.

(6) In this regulation, "intoxicating liquor" means liquor within the meaning of the *Licensing Act 1932*.

9 Where an employee who is carrying out the work or activity required of him under a work order on a Saturday suffers injury or becomes sick, he shall, if his supervisor is satisfied that he cannot continue the work or activity on that day, be deemed to have carried out the work or activity for the whole of that day.

Effect of injury and sickness in relation to work orders.

10—(1) No member of the public shall, at a place where an employee is attending or acting under a work order—

Conduct of members of the public.

- (a) talk to the employee without the permission of the employee's supervisor;
- (b) exchange with, give to, or receive any article or thing from, the employee, without the permission of the employee's supervisor;
- (c) loiter in or at that place, unless he has good and lawful reason to do so;
- (d) fail to move away from that place forthwith if so directed by a supervisor; or
- (e) interfere with the employee without the permission of the employee's supervisor.

(2) A member of the public who contravenes, or fails to comply with, a provision of this regulation is liable to a penalty of one hundred dollars.

THE FIRST SCHEDULE.

FORM 1.

(Regulation 3.)

Tasmania.

Probation of Offenders Act 1934.

MEMORANDUM OF WORK ORDER.

In the (court)
at

WHEREAS

(hereinafter called "the defendant") of
(Full name.)
..... (Address.)
..... at/in the
(Court.)

on the day of 19...., was convicted of

It is this day adjudged, with the consent of the defendant, that he shall for his offence attend at such places and times as shall be notified to him in writing by a probation officer or a supervisor on Saturdays, and thereafter do such things for such times as may be required of him under section 7B of the Act.

Dated this day of 19....

*By the Court
..... Justice of the Peace.
..... Clerk of the Court.

4

No. 67.

Probation of Offenders (Work Orders).

1972.

This work order requires that you spend the number of Saturdays specified above, doing such work or other activity as will be ordered by a supervisor.

You will be notified in writing at a later date of the dates on which, and the places and times at which, you will be required to report.

A copy of this order is to be forwarded to the Secretary of the Attorney-General's Department.

* Strike out whichever is inapplicable.

FORM 2.

(Regulation 4.)

Tasmania.

Probation of Offenders Act 1934.

NOTIFICATION UNDER SECTION 7B (1) OF THE ACT.

To ..
of ..

You are hereby notified that, pursuant to a work order made against you in the .. on the ... day of ..

(Court.)

19 .., you are required to report at the places specified hereunder on the date and at the time specified opposite each place, and where only one place is specified, you are required to continue to report at that place each Saturday at the time specified unless otherwise notified.

The arrangements which have been made for your transportation are as follows:—

Dated this	day of	19 ..	Probation Officer/Supervisor.
	Place.	Date.	Time.

FORM 3.

(Regulation 5.)

Tasmania.

Probation of Offenders Act 1934.

WARRANT OF APPOINTMENT OF SUPERVISOR.

This is to warrant and affirm that

(Full name.)

of... ..
(Address.) .. (Office or position) ..
was, on the .. day of .. 19 .., appointed a
supervisor for the purposes of Part IV of the *Probation of Offenders Act*
1934.

Dated this .. day of .. 19 ..

Secretary,

Attorney-General's Department.

1972.

Probation of Offenders (Work Orders).

No. 67.

5

FORM 4.

(Regulation 5.)

Tasmania.

Probation of Offenders Act 1934.

APPOINTMENT OF SUPERVISOR TO ACT ON SPECIFIED DAY.

I, (Full name.)
 of (Address.)
 *Probation officer/*Supervisor, hereby appoint
 of
 (Full name.) (Address.)
 (Occupation.)
 a supervisor for the purposes of the *Probation of Offenders Act 1934* to act
 in my place on the day of 19....

*Probation officer/*Supervisor.

* Strike out whichever is inapplicable.

THE SECOND SCHEDULE.

(Regulation 6.)

REMUNERATION AND EXPENSES PAYABLE TO SUPERVISORS.

PART I—REMUNERATION.

For every Saturday on which a supervisor is engaged
 in the supervision of employees, at a rate Not exceeding \$20.00
 a day.

PART II—EXPENSES.

For travelling by a supervisor in connection with
 the supervision of employees:—

- (a) In his own motor vehicle 13 cents a mile.
 (b) Otherwise than in his own motor
 vehicle The expenses actually
 incurred.

I certify that the foregoing regulations are in accordance with the law.

E. M. BINGHAM, Attorney-General.

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Tasmanian Government Gazette* on 24 February 1972.

These regulations are administered in the Attorney-General's Department.

APPENDIX C

Results for the effect of the Work Order Scheme
on the size of the prison population

Daily average prison population -

$$B_1 = 22.4; \quad \bar{Y}_1 = 338.6; \quad Sy_1 = 35.7; \quad r_1 = .99; \quad N_1 = 5$$

$$B_2 = -15.7; \quad \bar{Y}_2 = 347.8; \quad Sy_2 = 26.1; \quad r_2 = -.95; \quad N_2 = 5$$

Differences between slopes of the regression lines

$$t = 8.62; \quad d.f. = 6; \quad p < .001$$

Number of convicted prisoners received -

$$B_1 = 29.9; \quad \bar{Y}_1 = 758.8; \quad Sy_1 = 53.4; \quad r_1 = .89; \quad N_1 = 5$$

$$B_2 = -28.6; \quad \bar{Y}_2 = 687.6; \quad Sy_2 = 53.6; \quad r_2 = -.84; \quad N_2 = 5$$

Differences between slopes of the regression lines

$$t = 3.35; \quad d.f. = 6; \quad p < .05$$

Number of convicted prisoners plus offenders sentenced to
work orders -

$$B_1 = 29.9; \quad \bar{Y}_1 = 758.8; \quad Sy_1 = 53.4; \quad r_1 = .89; \quad N_1 = 5$$

$$B_2 = 61.4; \quad \bar{Y}_2 = 1099; \quad Sy_2 = 91.55; \quad r_2 = .89; \quad N_2 = 4$$

Differences between slopes of the regression lines

$$t = 1.37; \quad d.f. = 5; \quad p > .05 \text{ Not significant}$$

Differences between means

$$t = 4.08; \quad d.f. = 7; \quad p < .01$$

Proportion of convictions resulting in a prison sentence -

$$B_1 = .175; \quad \bar{Y}_1 = 2.57; \quad Sy_1 = .284; \quad r_1 = .96; \quad N_1 = 5$$

$$B_2 = -.086; \quad \bar{Y}_2 = 2.02; \quad Sy_2 = .153; \quad r_2 = -.89; \quad N_2 = 5$$

Differences between slopes of the regression lines

$$t = 6.33; \quad d.f. = 6; \quad p < .001$$

Differences between means

$$t = 10.12; \quad d.f. = 8; \quad p < .001$$

Number of convictions made by the courts -

$$B_1 = -925.9; \quad \bar{Y}_1 = 29,672; \quad Sy_1 = 2,087; \quad r_1 = -.70; \quad N_1 = 5$$

$$B_2 = 51.8; \quad \bar{Y}_2 = 34,142; \quad Sy_2 = 466; \quad r_2 = .18; \quad N_2 = 5$$

Differences between slopes of the regression lines

$$t = 1.37; \quad d.f. = 6; \quad p > .05 \text{ Not significant}$$

Differences between means

$$t = 4.67; \quad d.f. = 8; \quad p < .01$$

Imprisonment rate pre work orders: Tasmania vs combined other States -

$$B_1 = 4.97; \quad \bar{Y}_1 = 87.85; \quad Sy_1 = 7.12; \quad r_1 = .98; \quad N_1 = 5$$

$$B_2 = 0.89; \quad \bar{Y}_2 = 78.93; \quad Sy_2 = 1.73; \quad r_2 = .82; \quad N_2 = 5$$

Differences between slopes of the regression lines

$$t = 5.30; \quad d.f. = 6; \quad p < .01$$

Differences between means

$$t = 2.45; \quad d.f. = 8; \quad p < .05$$

Imprisonment rate pre work orders: Tasmania vs New South Wales -

$$B_1 = 4.97; \bar{Y}_1 = 87.85; Sy_1 = 7.12; r_1 = .98; N_1 = 5$$

$$B_2 = 0.56; \bar{Y}_2 = 80.71; Sy_2 = 1.04; r_2 = .86; N_2 = 5$$

Differences between slopes of the regression lines

$$t = 6.49; d.f. = 6; p < .001$$

Differences between means

$$t = 1.99; d.f. = 8; p > .05 \text{ Not significant}$$

Imprisonment rate pre work orders: Tasmania vs Victoria -

$$B_1 = 4.97; \bar{Y}_1 = 87.85; Sy_1 = 7.12; r_1 = .98; N_1 = 5$$

$$B_2 = 0.57; \bar{Y}_2 = 66.38; Sy_2 = 1.53; r_2 = .59; N_2 = 5$$

Differences between slopes of the regression lines

$$t = 5.24; d.f. = 6; p < .01$$

Differences between means

$$t = 5.92; d.f. = 8; p < .001$$

Imprisonment rate pre work orders: Tasmania vs Queensland -

$$B_1 = 4.97; \bar{Y}_1 = 87.85; Sy_1 = 7.12; r_1 = .98; N_1 = 5$$

$$B_2 = 0.87; \bar{Y}_2 = 63.04; Sy_2 = 2.60; r_2 = .53; N_2 = 5$$

Differences between slopes of the regression lines

$$t = 4.61; d.f. = 6; p < .01$$

Differences between means

$$t = 6.62; d.f. = 8; p < .001$$

Imprisonment rate pre work orders: Tasmania vs South Australia -

$$B_1 = 4.97; \bar{Y}_1 = 87.85; Sy_1 = 7.12; r_1 = .98; N_1 = 5$$

$$B_2 = -1.52; \bar{Y}_2 = 82.15; Sy_2 = 4.92; r_2 = -.49; N_2 = 5$$

Differences between slopes of the regression lines

$$t = 3.15; d.f. = 6; p < .05$$

Differences between means

$$t = 1.36; d.f. = 8; p > .05 \text{ Not significant}$$

Imprisonment rate pre work orders: Tasmania vs Western Australia -

$$B_1 = 4.97; \bar{Y}_1 = 87.85; Sy_1 = 7.12; r_1 = .98; N_1 = 5$$

$$B_2 = 4.65; \bar{Y}_2 = 130.26; Sy_2 = 9.87; r_2 = .74; N_2 = 5$$

Differences between slopes of the regression lines

$$t = 0.10; d.f. = 6; p > .05 \text{ Not significant}$$

Differences between means

$$t = 7.48; d.f. = 8; p < .001$$

Imprisonment rate post work orders: Tasmania vs combined other States -

$$B_1 = -4.70; \bar{Y}_1 = 86.93; Sy_1 = 7.67; r_1 = -.97; N_1 = 5$$

$$B_2 = -5.85; \bar{Y}_2 = 70.50; Sy_2 = 9.58; r_2 = -.96; N_2 = 5$$

Differences between slopes of the regression lines

$$t = 0.80; d.f. = 6; p > .05 \text{ Not significant}$$

Differences between means

$$t = 2.99; d.f. = 8; p < .05$$

Imprisonment rate post work orders: Tasmania vs New South Wales -

$$B_1 = -4.70; \bar{Y}_1 = 86.93; Sy_1 = 7.67; r_1 = -.97; N_1 = 5$$

$$B_2 = -5.98; \bar{Y}_2 = 73.47; Sy_2 = 10.14; r_2 = -.93; N_2 = 5$$

Differences between slopes of the regression lines

$$t = 0.68; d.f. = 6; p > .05 \text{ Not significant}$$

Differences between means

$$t = 2.37; d.f. = 8; p < .05$$

Imprisonment rate post work orders: Tasmania vs Victoria -

$$B_1 = -4.70; \bar{Y}_1 = 86.93; Sy_1 = 7.67; r_1 = -.97; N_1 = 5$$

$$B_2 = -5.96; \bar{Y}_2 = 52.33; Sy_2 = 9.62; r_2 = -.98; N_2 = 5$$

Differences between slopes of the regression lines

$$t = 0.38; d.f. = 6; p > .05 \text{ Not significant}$$

Differences between means

$$t = 6.29; d.f. = 8; p < .001$$

Imprisonment rate post work orders: Tasmania vs Queensland -

$$B_1 = -4.70; \bar{Y}_1 = 86.93; Sy_1 = 7.67; r_1 = -.97; N_1 = 5$$

$$B_2 = -0.49; \bar{Y}_2 = 72.03; Sy_2 = 3.77; r_2 = -.20; N_2 = 5$$

Differences between slopes of the regression lines

$$t = 3.45; d.f. = 6; p < .05$$

Differences between means

$$t = 3.90; d.f. = 8; p < .01$$

Imprisonment rate post work orders: Tasmania vs South Australia --

$$B_1 = -4.70; \quad \bar{Y}_1 = 86.93; \quad Sy_1 = 7.67; \quad r_1 = -.97; \quad N_1 = 5$$

$$B_2 = -5.31; \quad \bar{Y}_2 = 64.63; \quad Sy_2 = 8.81; \quad r_2 = -.95; \quad N_2 = 5$$

Differences between slopes of the regression lines

$$t = 0.64; \quad d.f. = 6; \quad p > .05 \text{ Not significant}$$

Differences between means

$$t = 4.27; \quad d.f. = 8; \quad p < .01$$

Imprisonment rate post work orders: Tasmania vs Western Australia -

$$B_1 = -4.70; \quad \bar{Y}_1 = 86.93; \quad Sy_1 = 7.67; \quad r_1 = -.97; \quad N_1 = 5$$

$$B_2 = -15.26; \quad \bar{Y}_2 = 109.28; \quad Sy_2 = 24.97; \quad r_2 = -.96; \quad N_2 = 5$$

Differences between slopes of the regression lines

$$t = 3.36; \quad d.f. = 6; \quad p < .05$$

Differences between means

$$t = 1.91; \quad d.f. = 8; \quad p > .05 \text{ Not significant}$$

APPENDIX D

Results for differences between non-prison, work order,
and prison groups for prior convictions, prior imprisonments,
subsequent convictions and subsequent imprisonments.

Prior convictions -

WO74 vs PR74 $\chi^2 = 0.013$; d.f. = 1; $p > .05$ Not significant
 $t = 7.03$; d.f. = 613; $p < .001$

PR74 vs PR71 $\chi^2 = 0.07$; d.f. = 1; $p > .05$ Not significant
 $t = 3.53$; d.f. = 593; $p < .001$

PR71 vs NP71 $\chi^2 = 16.50$; d.f. = 1; $p < .001$
 $t = 4.45$; d.f. = 400; $p < .001$

NP71 vs WO74 $\chi^2 = 19.57$; d.f. = 1; $p < .001$
 $t = 2.91$; d.f. = 420; $p < .01$

WO74 vs PR71 $\chi^2 = 0.075$; d.f. = 1; $p > .05$ Not significant
 $t = 3.51$; d.f. = 658; $p < .001$

PR74 vs NP71 $\chi^2 = 18.04$; d.f. = 1; $p < .001$
 $t = 6.09$; d.f. = 355; $p < .001$

Prior imprisonments -

WO74 vs PR74 $\chi^2 = 58.61$; d.f. = 1; $p < .001$

$t = 8.55$; d.f. = 613; $p < .001$

PR74 vs PR71 $\chi^2 = 0.92$; d.f. = 1; $p > .05$ Not significant

$t = 2.02$; d.f. = 593; $p < .05$

PR71 vs NP71 $\chi^2 = 15.84$; d.f. = 1; $p < .001$

$t = 3.40$; d.f. = 400; $p < .001$

NP71 vs WO74 $\chi^2 = 0.03$; d.f. = 1; $p > .05$ Not significant

$t = 0.44$; d.f. = 420; $p > .05$ Not significant

WO74 vs PR71 $\chi^2 = 46.95$; d.f. = 1; $p > .001$

$t = 6.86$; d.f. = 658; $p > .001$

PR74 vs NP71 $\chi^2 = 20.71$; d.f. = 1; $p > .001$

$t = 4.29$; d.f. = 355; $p > .001$

Subsequent convictions -

WO74 vs PR74 $\chi^2 = 12.73$; d.f. = 1; $p < .001$

$t = 5.23$; d.f. = 613; $p < .001$

PR74 vs PR71 $\chi^2 = 1.30$; d.f. = 1; $p > .05$ Not significant

$t = 1.24$; d.f. = 593; $p > .05$ Not significant

PR71 vs NP71 $\chi^2 = 4.74$; d.f. = 1; $p < .05$

$t = 2.02$; d.f. = 400; $p < .05$

NP71 vs WO74 $\chi^2 = 0.35$; d.f. = 1; $p > .05$ Not significant

$t = 0.58$; d.f. = 420; $p > .05$ Not significant

WO74 vs PR71 $\chi^2 = 5.98$; d.f. = 1; $p < .05$

$t = 4.35$; d.f. = 658; $p < .001$

PR74 vs NP71 $\chi^2 = 8.69$; d.f. = 1; $p < .01$

$t = 2.52$; d.f. = 355; $p < .05$

Subsequent imprisonments

WO74 vs PR74 $\chi^2 = 32.57$; d.f. = 1; $p < .001$

$t = 5.89$; d.f. = 613; $p < .001$

PR74 vs PR71 $\chi^2 = 0.38$; d.f. = 1; $p > .05$ Not significant

$t = 1.13$; d.f. = 593; $p > .05$ Not significant

PR71 vs NP71 $\chi^2 = 4.18$; d.f. = 1; $p < .05$

$t = 1.73$; d.f. = 400; $p > .05$ Not significant

NP71 vs WO74 $\chi^2 = 0.96$; d.f. = 1; $p > .05$ Not significant

$t = 1.34$; d.f. = 420; $p > .05$ Not significant

WO74 vs PR71 $\chi^2 = 26.83$; d.f. = 1; $p < .001$

$t = 4.88$; d.f. = 658; $p < .001$

PR74 vs NP71 $\chi^2 = 5.99$; d.f. = 1; $p < .05$

$t = 2.34$; d.f. = 355; $p < .05$

Prior convictions --

NP71 vs PR71(WO)

$\chi^2 = 2.74$; d.f. = 1; $p > .05$ Not significant
 $t = 0.31$; d.f. = 167; $p > .05$ Not significant

PR71(WO) vs PR71(PR)

$\chi^2 = 4.57$; d.f. = 1; $p < .05$
 $t = 5.69$; d.f. = 318; $p < .001$

PR71(PR) vs PR74

$\chi^2 = 0.18$; d.f. = 1; $p > .05$ Not significant
 $t = 1.30$; d.f. = 506; $p > .05$ Not significant

PR74 vs WO74(PR)

$\chi^2 = 0.34$; d.f. = 1; $p > .05$ Not significant
 $t = 5.15$; d.f. = 516; $p < .001$

WO74(PR) vs WO74(NP)

$\chi^2 = 2.73$; d.f. = 1; $p > .05$ Not significant
 $t = 3.44$; d.f. = 338; $p < .001$

WO74(NP) vs NP71

$\chi^2 = 4.95$; d.f. = 1; $p < .05$
 $t = 0.52$; d.f. = 177; $p > .05$ Not significant

PR71(WO) vs WO74(NP)

$\chi^2 = 0.11$; d.f. = 1; $p > .05$ Not significant
 $t = 0.21$; d.f. = 182; $p > .05$ Not significant

PR71(WO) vs WO74(PR)

$\chi^2 = 5.18$; d.f. = 1; $p < .05$
 $t = 3.43$; d.f. = 328; $p < .001$

PR71(WO) vs PR74

$\chi^2 = 3.05$; d.f. = 1; $p > .05$ Not significant
 $t = 6.12$; d.f. = 360; $p < .001$

WO74(PR) vs PR71(PR)

$\chi^2 = 0.01$; d.f. = 1; $p > .05$ Not significant
 $t = 3.91$; d.f. = 474; $p < .001$

WO74(PR) vs NP71

$\chi^2 = 22.32$; d.f. = 1; $p < .001$
 $t = 3.54$; d.f. = 323; $p < .001$

Prior imprisonments -

NP71 vs PR71(WO)

$$\begin{aligned} \chi^2 &= 1.67; \text{ d.f.} = 1; p > .05 && \text{Not significant} \\ t &= 2.23; \text{ d.f.} = 167; p < .05 \end{aligned}$$

PR71(WO) vs PR71(PR)

$$\begin{aligned} \chi^2 &= 49.72; \text{ d.f.} = 1; p < .001 \\ t &= 6.43; \text{ d.f.} = 318; p < .001 \end{aligned}$$

PR71(PR) vs PR74

$$\begin{aligned} \chi^2 &= 2.79; \text{ d.f.} = 1; p > .05 && \text{Not significant} \\ t &= 0.27; \text{ d.f.} = 506; p > .05 && \text{Not significant} \end{aligned}$$

PR74 vs WO74(PR)

$$\begin{aligned} \chi^2 &= 34.26; \text{ d.f.} = 1; p < .001 \\ t &= 6.66; \text{ d.f.} = 516; p < .001 \end{aligned}$$

WO74(PR) vs WO74(NP)

$$\begin{aligned} \chi^2 &= 8.34; \text{ d.f.} = 1; p < .01 \\ t &= 2.87; \text{ d.f.} = 338; p < .01 \end{aligned}$$

WO74(NP) vs NP71

$$\begin{aligned} \chi^2 &= 3.27; \text{ d.f.} = 1; p > .05 && \text{Not significant} \\ t &= 2.32; \text{ d.f.} = 177; p < .05 \end{aligned}$$

PR71(WO) vs WO74(NP)

$$\begin{aligned} \chi^2 &= 0.05; \text{ d.f.} = 1; p > .05 && \text{Not significant} \\ t &= 0.04; \text{ d.f.} = 182; p > .05 && \text{Not significant} \end{aligned}$$

PR71(WO) vs WO74(PR)

$$\begin{aligned} \chi^2 &= 5.29; \text{ d.f.} = 1; p < .05 \\ t &= 2.73; \text{ d.f.} = 328; p < .01 \end{aligned}$$

PR71(WO) vs PR74

$$\begin{aligned} \chi^2 &= 36.47; \text{ d.f.} = 1; p < .001 \\ t &= 5.87; \text{ d.f.} = 360; p < .001 \end{aligned}$$

WO74(PR) vs PR71(PR)

$$\begin{aligned} \chi^2 &= 53.06; \text{ d.f.} = 1; p < .001 \\ t &= 7.16; \text{ d.f.} = 474; p < .001 \end{aligned}$$

WO74(PR) vs NP71

$$\begin{aligned} \chi^2 &= 0.37; \text{ d.f.} = 1; p > .05 && \text{Not significant} \\ t &= 0.28; \text{ d.f.} = 323; p > .05 && \text{Not significant} \end{aligned}$$

Subsequent convictions -

NP71 vs PR71(WO)

$\chi^2 = 3.12$; d.f. = 1; $p > .05$ Not significant
 $t = 2.12$; d.f. = 167; $p < .05$

PR71(WO) vs PR71(PR)

$\chi^2 = 0.01$; d.f. = 1; $p > .05$ Not significant
 $t = 0.54$; d.f. = 318; $p > .05$ Not significant

PR71(PR) vs PR74

$\chi^2 = 1.19$; d.f. = 1; $p > .05$ Not significant
 $t = 1.31$; d.f. = 506; $p > .05$ Not significant

PR74 vs WO74(PR)

$\chi^2 = 14.97$; d.f. = 1; $p < .001$
 $t = 4.95$; d.f. = 516; $p < .001$

WO74(PR) vs WO74(NP)

$\chi^2 = 1.98$; d.f. = 1; $p > .05$ Not significant
 $t = 1.26$; d.f. = 338; $p > .05$ Not significant

WO74(NP) vs NP71

$\chi^2 = 1.71$; d.f. = 1; $p > .05$ Not significant
 $t = 0.22$; d.f. = 177; $p > .05$ Not significant

PR71(WO) vs WO74(NP)

$\chi^2 = 0.14$; d.f. = 1; $p > .05$ Not significant
 $t = 2.16$; d.f. = 182; $p < .05$

PR71(WO) vs WO74(PR)

$\chi^2 = 3.85$; d.f. = 1; $p < .05$
 $t = 3.78$; d.f. = 328; $p < .001$

PR71(WO) vs PR74

$\chi^2 = 0.36$; d.f. = 1; $p > .05$ Not significant
 $t = 0.43$; d.f. = 360; $p > .05$ Not significant

WO74(PR) vs PR71(PR)

$\chi^2 = 6.61$; d.f. = 1; $p < .01$
 $t = 3.80$; d.f. = 474; $p < .001$

WO74(PR) vs NP71

$\chi^2 = 0.02$; d.f. = 1; $p > .05$ Not significant
 $t = 0.88$; d.f. = 323; $p > .05$ Not significant

Subsequent imprisonments -

NP71 vs PR71(WO)

$\chi^2 = 0.63$; d.f. = 1; $p > .05$ Not significant
 $t = 0.74$; d.f. = 167; $p > .05$ Not significant

PR71(WO) vs PR71(PR)

$\chi^2 = 1.59$; d.f. = 1; $p > .05$ Not significant
 $t = 1.29$; d.f. = 318; $p > .05$ Not significant

PR71(PR) vs PR74

$\chi^2 = 0.01$; d.f. = 1; $p > .05$ Not significant
 $t = 0.55$; d.f. = 506; $p > .05$ Not significant

PR74 vs WO74(PR)

$\chi^2 = 28.56$; d.f. = 1; $p < .001$
 $t = 5.14$; d.f. = 516; $p < .001$

WO74(PR) vs WO74(NP)

$\chi^2 = 0.15$; d.f. = 1; $p > .05$ Not significant
 $t = 0.01$; d.f. = 338; $p > .05$ Not significant

WO74(NP) vs NP71

$\chi^2 = 0.18$; d.f. = 1; $p > .05$ Not significant
 $t = 1.05$; d.f. = 177; $p > .05$ Not significant

PR71(WO) vs WO74(NP)

$\chi^2 = 2.10$; d.f. = 1; $p > .05$ Not significant
 $t = 2.00$; d.f. = 182; $p < .05$

PR71(WO) vs WO74(PR)

$\chi^2 = 5.60$; d.f. = 1; $p < .05$
 $t = 2.36$; d.f. = 328; $p < .05$

PR71(WO) vs PR74

$\chi^2 = 1.89$; d.f. = 1; $p > .05$ Not significant
 $t = 1.71$; d.f. = 360; $p > .05$ Not significant

WO74(PR) vs PR71(PR)

$\chi^2 = 25.60$; d.f. = 1; $p < .001$
 $t = 4.44$; d.f. = 474; $p < .001$

WO74(PR) vs NP71

$\chi^2 = 1.16$; d.f. = 1; $p > .05$ Not significant
 $t = 1.24$; d.f. = 323; $p > .05$ Not significant

APPENDIX E

Statistical information generated in the
three discriminant analyses

Discriminant analysis 1.

Prison 71 and non-prison 71 as "known" groups to classify the work
order 74 group into prison and non-prison categories.

WORK ORDER

FILE NONAME (CREATION DATE = 30/05/77)

GROUP COUNTS

	GROUP 1	GROUP 2	TOTAL
NUMBER	320.	82.	402.

MEANS

	PR71 GROUP 1	NP71 GROUP 2	TOTAL
AGE	25.58438	22.45122	24.94527
MARITAL	1.25938	.14634	1.03234
OFFENCE	2.50000	2.37805	2.47512
PRCC	.95000	.87805	.93532
PRPER	.45938	.09756	.38557
PRPROP	1.72188	.92683	1.55970
PRCOND	2.00000	.95122	1.78607
PROTHR	.16250	.01220	.13184
PRPRSN	1.55313	.53659	1.34577
RECORD	5.29375	2.86585	4.79851

STANDARD DEVIATIONS

	GROUP 1	GROUP 2	TOTAL
AGE	9.99933	8.43296	9.77258
MARITAL	.43898	.38879	.62087
OFFENCE	.95674	.86980	.93990
PRCC	1.56089	1.55071	1.55716
PRPER	.94267	.33737	.86673
PRPROP	2.28821	1.65388	2.19559
PRCOND	2.62493	1.75614	2.50665
PROTHR	.51786	.11043	.46849
PRPRSN	2.57496	1.64951	2.44793
RECORD	4.57278	3.66081	4.50566

SOLUTION METHOD = DIRECT.

PRIOR PROBABILITIES = USER SPECIFIED

GROUP 1	GROUP 2
.06250	.93750

NUMBER REMOVED	EIGENVALUE	CANONICAL CORRELATION	PERCENT OF TRACE
0	1.40270	.76407	100.0
WILKS LAMBDA	CHI-SQUARE	D.F.	SIGNIFICANCE
.41620	347.56933	9	0.000

1 FUNCTIONS WILL BE USED IN REMAINING ANALYSES

STANDARDIZED DISCRIMINANT FUNCTION COEFFICIENTS

1

AGE	.55138
MARITAL	-1.63052
OFFENCE	-.08142
PRCC	.02630
PRPER	-.01150
PRPROP	-.03824
PRCOND	-.21212
PROTHR	-.01083
PRPRSN	-.15750

UNSTANDARDIZED DISCRIMINANT FUNCTION COEFFICIENTS

1

AGE	.564212E-01
MARITAL	-2.62616
OFFENCE	-.866235E-01
PRCC	.168875E-01
PRPER	-.132730E-01
PRPROP	-.174166E-01
PRCOND	-.846244E-01
PROTHR	-.231151E-01
PRPRSN	-.643420E-01
CONSTANT	1.17532

CENTROIDS OF GROUPS IN REDUCED SPACE

GROUP 1	.59804
GROUP 2	2.33382

Discriminant analysis 2.

Work order 74 and prison 74 as "known" groups to classify the prison 71 group into work order and prison categories.

WORK ORDER

FILE NONAME (CREATION DATE = 30/05/77)

GROUP COUNTS

	GROUP 1	GROUP 2	TOTAL
NUMBER	340.	275.	615.

MEANS

	WO74	PR74	
	GROUP 1	GROUP 2	TOTAL
AGE	21.26176	27.00000	23.82764
MARITAL	1.28824	1.28727	1.28780
OFFENCE	2.56824	2.77455	2.67154
PRCC	1.40588	1.29818	1.35772
PRPER	.22059	.58909	.38537
PRPROP	.90294	2.43273	1.58699
PRCOND	1.29706	1.97091	1.59837
PROTHR	.34118	.44364	.38699
PRPRSN	.45882	2.01455	1.15447
RECORD	4.16765	6.73455	5.31545

STANDARD DEVIATIONS

	GROUP 1	GROUP 2	TOTAL
AGE	6.18965	11.33015	9.30550
MARITAL	.46643	.45331	.46024
OFFENCE	1.10290	1.03589	1.07659
PRCC	2.05671	1.95716	2.01189
PRPER	.64825	1.16294	.93229
PRPROP	1.48125	2.81906	2.31026
PRCOND	1.91947	2.65110	2.29849
PROTHR	1.05655	1.11702	1.08431
PRPRSN	1.37661	2.98411	2.37053
RECORD	3.62938	5.39316	4.67804

SOLUTION METHOD = DIRECT.

PRIOR PROBABILITIES = USER SPECIFIED

GROUP 1 GROUP 2

.36000 .64000

NUMBER REMOVED	EIGENVALUE	CANONICAL CORRELATION	PERCENT OF TRACE
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0	.23176	.43377	100.0
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WILKS LAMBDA	CHI-SQUARE	D.F.	SIGNIFICANCE
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.81185	127.04695	9	.000
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1 FUNCTIONS WILL BE USED IN REMAINING ANALYSES

STANDARDIZED DISCRIMINANT FUNCTION COEFFICIENTS

1

AGE	.72394
MARITAL	-.47555
OFFENCE	.28572
PRCC	.11522
PRPER	.22334
PRPROP	.48628
PRCOND	-.17819
PROTHR	-.06635
PRPRSN	.18726

UNSTANDARDIZED DISCRIMINANT FUNCTION COEFFICIENTS

1

AGE	.777971E+01
MARITAL	-.103327
OFFENCE	.265391
PRCC	.572677E+01
PRPER	.239560
PRPROP	.211352
PRCOND	-.775238E+01
PROTHR	-.611920E+01
PRPRSN	.789951E+01
CONSTANT	-1.68116

CENTROIDS OF GROUPS IN REDUCED SPACE

GROUP 1	-.43225
GROUP 2	.53442

Discriminant analysis 3.

Combination of the groups generated in the previous discriminant analyses using WO74(PR) + PR71(WO); PR71(PR) + PR74; and NP71 + WO74(NP) as the "known" groups to check for accuracy of classification and areas of "leakage."

WORK ORDER

FILE NONAME (CREATION DATE = 30/05/77)

GROUP COUNTS

	GROUP 1	GROUP 2	GROUP 3	TOTAL
NUMBER	330.	508.	179.	1017.

	WO74(PR) + PR71(WO)	PR71(PR) + PR74	NP71 + WO74(NP)	
MEANS				

	GROUP 1	GROUP 2	GROUP 3	TOTAL
AGE	21.34848	27.30118	21.05028	24.26902
MARITAL	1.38485	1.26575	.59777	1.18682
OFFENCE	2.60303	2.73425	2.17877	2.50390
PRCC	1.16667	1.11614	1.44693	1.19076
PRPER	.23333	.58465	.10056	.38545
PRPROP	.88788	2.34646	.65922	1.57620
PRCOND	1.56667	2.08858	.68715	1.67257
PROTHR	.32121	.32677	.10615	.28614
PRPRSN	.46970	2.04724	.31285	1.23009
RECORD	4.17576	6.46260	3.00000	5.11111

STANDARD DEVIATIONS

	GROUP 1	GROUP 2	GROUP 3	TOTAL
AGE	6.14390	11.06329	6.68494	9.50384
MARITAL	.48730	.44217	.50302	.54385
OFFENCE	1.09572	.99419	.88139	1.02876
PRCC	1.79143	1.78982	2.12826	1.85630
PRPER	.64538	1.11592	.36864	.90651
PRPROP	1.48022	2.65989	1.28564	2.26457
PRCOND	2.15158	2.68130	1.37898	2.38350
PROTHR	1.03429	.91207	.50271	.90152
PRPRSN	1.38401	2.91052	1.20038	2.40205
RECORD	3.71549	5.12031	3.17469	4.61537

SOLUTION METHOD = DIRECT.

PRIOR PROBABILITIES = BASED ON GROUP SIZE

GROUP 1	GROUP 2	GROUP 3
.32448	.49951	.17601

NUMBER REMOVED	EIGENVALUE	CANONICAL CORRELATION	PERCENT OF TRACE
0	.48911	.57311	68.0
1	.22981	.43228	32.0

WILKS LAMBDA	CHI-SQUARE	D.F.	SIGNIFICANCE
.54605	611.69622	18	0.000
.81313	209.13530	8	0.000

2 FUNCTIONS WILL BE USED IN REMAINING ANALYSES

STANDARDIZED DISCRIMINANT FUNCTION COEFFICIENTS

	1	2
AGE	.56921	.62674
MARITAL	-.121976	-.30034
OFFENCE	-.25408	.32541
PRCC	.12940	.10387
PRPER	.01866	.27948
PRPROP	-.14887	.47294
PRCOND	-.37568	-.19532
PROTHR	.00103	-.13484
PRPRSN	.00572	.26455

UNSTANDARDIZED DISCRIMINANT FUNCTION COEFFICIENTS

	1	2
AGE	.598924E-01	.659462E-01
MARITAL	-.24283	-.552258
OFFENCE	-.246979	.316312
PRCC	.697062E-01	.559542E-01
PRPER	.205894E-01	.308299
PRPROP	-.657376E-01	.208842
PRCOND	-.157617	-.819457E-01
PROTHR	.114075E-02	-.149567
PRPRSN	.238260E-02	.110134
CONSTANT	2.12197	-.223578

CENTROIDS OF GROUPS IN REDUCED SPACE

GROUP	1	2
GROUP 1	-.56597	-.57141
GROUP 2	-.14541	.46867
GROUP 3	1.45608	-.27664